CIVIL POWER IN IRREGULAR CONFLICT

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FORWARD

Irregular conflict has emerged since the end of the Cold War as an enduring feature of an increasingly globalized world. The need to respond effectively to irregular conflicts that threaten core U.S. national security interests has, in turn, driven a rapidly growing U.S. interest in counterinsurgency and stability operations as a vehicle for addressing irregular conflict, and for promoting the stabilization and reconstruction of post-conflict states. Ongoing major military operations in both Iraq and Afghanistan lend urgency to the need for better understanding of irregular conflict, and of counterinsurgency and stability operations as a component of U.S. foreign policy and national security strategy. This need has been reflected in the promulgation of DoDD 3000.05 ("Military Support for Stability, Security, Transition, and Reconstruction Operations") and NSPD-44 ("Management of Interagency Efforts Concerning Stabilization and Reconstruction") in 2005, the publication of FM 3-24 (*Counterinsurgency*) in 2006, and the publication of FM 3-07 (*Stability Operations*) in 2008.

This book explores the relationship between irregular conflict and three key components of stability operations: support to governance, including reconciliation efforts, security sector reform (SSR), and promoting economic development. It articulates the outcomes of a series of events beginning in 2008 with workshops on Governance, SSR and Economic Development co-sponsored by CNA and the U.S. Army Peacekeeping and Stability Operations Institute (PKSOI). The events culminated in a broader conference in Washington, D.C., on *Building Capacity in Stability Operations* in April of 2009, sponsored by CNA, PKSOI, and the Association of the United States Army (AUSA). Keynote speakers at this event included U.S. Undersecretary of Defense for Policy Ms. Michelle Flournoy, U.S. Army Vice Chief of Staff General Peter W. Chiarelli, and Mr. Asif M. Shaikh, President of International Resources Group.

In the opening chapter, former Assistant Secretary of Defense Franklin D. Kramer argues that within the framework of grand strategy and appropriate doctrine, "skilled implementation" at the operational level is the critical path to success in irregular conflict. This means not only the skilled use of violence, but also skill in establishing effective governance, in restoring security, and in promoting economic prosperity and reconciliation as critical paths to resolving irregular conflicts and rebuilding failed states. The remainder of the chapter focuses on identifying requirements for successful engagement in each of these four areas. It builds on the recommendations that emerged from the initial three workshops, and on the presentations and discussions that took place during the April 2009 conference.

The remainder of the book is divided into three sections focused respectively on governance, security sector reform, and economic development. Each section begins with a brief review of the points that emerged from discussions of that area during the workshop and the subsequent conference. The reviews also introduce the subsequent chapters in the section, which explore in greater detail the salient issues for that particular component of irregular operations.

Section One, “Governance and Irregular Conflict,” explores the role of host nation governance in irregular conflict, and examines the tools available to support the restoration of governance functions during and following periods of irregular conflict. Areas of focus in governance include interim government and the transition to host nation sovereignty; issues surrounding local governance; and the intersection of peacekeeping operations and reconciliation. The five chapters that follow examine each of these areas in greater detail.

Section Two, “Security Sector Reform and Irregular Conflict,” analyzes the role that SSR plays in addressing irregular conflict. It focuses on the critical need to include more effective justice and policing components in SSR strategies, and on best practices and lessons learned with respect to non-state actors in the security sector. The section identifies rule of law as both a foundation for SSR and a beneficiary of successful SSR activities. The seven chapters in this section explore each of these issues and offer concrete recommendations for successfully pursuing SSR as a component of irregular operations.

Section Three, “Stabilization, Economic Growth, and Irregular Conflict,” explores the critical links between economic development and other lines of irregular operations. The section identifies the unique requirements of economic development efforts that occur in the context of irregular conflict, as part of a comprehensive campaign of stabilization and reconstruction. It emphasizes the need for balance between short-term economic development measures, designed to support conflict mitigation and post-conflict transition, and long-term development programs intended to generate sustained economic growth. The nine chapters in this section address macroeconomic sustainment of transformation; microeconomic sustaining of wealth-creating society; the governance and rule of law underpinnings of the economic instrument; and the challenges of illegal and illicit economies.

CNA, in collaboration with PKSOI and AUSA, is pleased to offer this compendium as part of the ongoing debate on global and regional stability and security.

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Chapter 1
Succeeding in Irregular Conflict: Effective Civil Operations

By Franklin D. Kramer, Thomas A. Dempsey, Joseph Gregoire, Richard Megahan, and Susan Merrill

Irregular conflicts span a spectrum of hostilities. All include violence or its incipient threat—which is what makes them conflicts—but their further contours vary from peacekeeping, to stability operations, to counterterrorism, to counterinsurgency, to hybrid war. Their critical common characteristic is not, however, with respect to violence, but rather with respect to the requirement to convince a significant population that it is in their interest to generate an environment in which ultimately violence no longer is a key factor.

Practical experience demonstrates that this is a highly complex task. It requires not only the skilled use of violence by the military, but also skill in governance, security, economics, and reconciliation. A critical element is the role of the host nation. The existence of an irregular conflict generally implies a failure of host nation capabilities, yet success requires that very host nation to become reasonably effective, and to achieve that effectiveness requires an evolving partnership with outside interveners. This combination of complexity, dynamism, and an often ineffective partner makes succeeding in irregular conflict a significant challenge.

The focus of this analysis is on the non-military side of the conflict: what steps need to be taken for governance, non-military security, economics, and reconciliation—how should they be combined and integrated, and how is the host nation to become sufficiently capable? The military side is also crucial, but has been extensively dealt with in other writings—and is considered here mainly in the requirement for an integrated strategy.

This chapter sets forth a four-part analysis of effective civil operations in irregular conflict: first, setting forth the key elements underlying strategic planning; second, discussing appropriate time-phased and functional goals; third, analyzing critical civil operational requirements; and, fourth, describing the requirements for synergistic planning and implementation.

Strategic Planning

Context and Complexity

Context and complexity have four distinct elements in irregular conflict.

The first element to recognize is that each irregular conflict has *sui generis* characteristics. Culture, history, socio-economic conditions, political dynamics, and demographic and ethnic groups in each country all coalesce to shape unique specific challenges. Whether irregular conflict takes the form of an active insurgency, terrorism, or criminal violence, planners must develop an understanding of why the conflict emerged in the first place, what factors sustain it, and who profits from its continuation.

Understanding host nation context and culture is key. A successful outcome must include all elements of society, including civil society and the private sector, within the historical

framework of their relationships. Irregular conflict touches not only the state, but also the citizen, culture, historical legacy, ethnicities, and peoples that are essential for a national identity and to support an effective and legitimate government.

As part of understanding the host nation, it is also critical to understand the formal and informal power relationships of society. National and local power relationships and the dynamics among ethnic, religious, and tribal groups will be crucial to fostering legitimacy not only at the national level, but the provincial and municipal levels, as well. Among the central components of the existing power structures are government leaders, politicians, police, militias, non-state actors and spoilers, family centers of power, and the many networks that may be found in political, religious, military, and other arenas. Economic and business relationships can be important factors including the networks within which they exist, as can relationships with persons and entities outside the host nation. International support often has been a key factor in irregular conflict.

In addition to the players themselves, the rules of law the society has utilized are important, as is knowing the broader context that might be described as the "rules of the game." Rules of the game include those informal and formal legal and power arrangements that assist in brokering power-sharing, mediating disputes, and allocating resources. These rules are embedded in the cultural and social norms of a society, as well as in legal codes or laws. The scale and role of illicit activities, scope and level of corruption, and the relationship of government to these activities are also critical.

It is absolutely critical as part of this undertaking to focus deeply on the irregular opposition. That includes the culture, groupings, power relationships, and rules of the game that drive the opposition. Factors that drive motivation should be analyzed, including the causes and rationale of the conflict from the opposition's point of view, as should causes of extreme personal motivation such as those leading to suicide bombings. Understanding the enemy has always been a key tenet in warfare, and, if anything, is even more critical in irregular conflict.

The second requirement of context and complexity is the recognition that a key differentiation must be made between permissive and non-permissive environments. The strategic and functional choices made in non-permissive and permissive environments could significantly differ because of the nature of the security environment. Actions are difficult enough in a permissive environment where violence is limited or its threat only incipient. In a non-permissive environment where violence is extensive or in a semi-permissive environment where it is frequent and destabilizing, priorities might be far more security inclined than in a more stable environment. The basics of governance, security, economics, and reconciliation will remain the same but skilled implementation likely will cause different choices.

The third element of context and complexity is to recognize that the cessation of hostilities and the beginning of recovery are not clearly demarcated points in a linear, logically progressive sequence. Moreover, the fact that there is a cessation of hostilities does not translate holistically or immediately into the mitigation of the original grievances or causes that fostered the conflict. Unresolved problems can cause the return of conflict, and both economic and political recovery should take into consideration the dynamics and causes of conflict. The challenges of state-building and economic growth in the context of irregular conflict often involve transformation, not merely rebuilding existing systems. There are frequently multiple layers to political, security,

and economic activities that have been damaged by instability: a dying old system, which may nonetheless have adherents, and an emerging system that might not yet have gained full traction.

Finally, it is important as part of getting context and complexity correct to differentiate both the means and goals of responding to an irregular conflict—for example, in a counterinsurgency or a stability operation—from those that characterize a humanitarian operation. The latter often involves large and rapid inflows of resources to meet basic human needs as a result of a complex contingency, civil conflict, or natural disaster. Humanitarian operations are generally conducted by external donors in response to host-country resource and capacity shortages. The transition of responsibilities to the host country in a counterinsurgency or a stability operation is fundamentally different. Humanitarian operations are driven by outsiders, whereas counterinsurgency or stability operations involve 1) longer-term phasing; 2) institution building, and 3) most importantly, local ownership.

Resource Limitations

In the context of irregular conflict, resource limits will be important constraining factors. Most importantly, the host nation will generally have limited resources, and the outside provisions of resources will have limits both in terms of amount and in terms of time of delivery. Very important also will be the capacity of the host nation to absorb resources effectively.

Understanding in the specific context of a particular irregular conflict these constraints generated by the limitations on resources and the capacity to absorb resources is critical to creating an effective approach. The World Bank, in its study, "The State in a Changing World," found that trying to do too much with few resources and little capability often does more harm than good. Rather, it strongly suggested that the state needed to focus its efforts to create actual achievements.[1] Indeed, to overreach is likely to make failure more probable since there will not be available unlimited resources to achieve goals, and the capacities of the host nation will be degraded as it tries to do too many things ineffectively. As a second World Bank study entitled "Breaking the Conflict Trap" has shown,[2] countries that have broken down into conflict often break down again within a relatively short time after an outside intervention. A "stability" structure has not been created in such situations.

While resources will be limited in a response to irregular conflict, the positive aspect of the resource question is that for some important elements of governance, non-military security, and economic programs the costs are not overly substantial. By way of example, the Local Governance Project in Iraq has been in effect since 2003 and has had three resource tranches of $242 million, $370 million, and $145 million, obviously far less than the multiple billions spent on military activities. Those lower costs are consistent with efforts elsewhere. Programs for governance in Bulgaria cost some $52 million over an 11-year period; in Georgia approximately $37 million over a five-year period, and in Romania approximately $18 million over a six-year period.[3] Technical assistance to help governments establish sound fiscal policy and taxing structures is also not particularly costly since it involves relatively few experts providing assistance. On the other hand, some aspects of the civil side of responding to irregular conflict can be quite costly. Establishment of effective police, while not as expensive as creating a military, does require significant expense—involving as it does not only training but also materiel and logistic support as well as institution building.[4] Substantial resources can easily be expended on large capital-intensive infrastructure projects. Taking account of resource

constraints and seeking the best the “bang for the buck” is necessary to provide positive results in an irregular conflict.

It is important to recognize that the application of limited resources could well differ in an irregular conflict situation from that of a classic development scenario. There are fundamental differences of timing, scope, and nature of interventions in those complex political economies of societies undergoing or emerging from conflict and those of a traditional development program. Countries dealing with irregular conflict require targeted interventions, and there could be imbalances between geographic areas and functional sectors as part of an effort to generate stability (even while avoiding gross imbalances).

For example, in a non-permissive environment, those institutions that affect security arguably will need priority attention. The process of reconstituting governmental structures and institutions almost always will be a far more immediate task than in a traditional development scenario with a stable government. Ultimately, the strength of the governmental institutions, processes and rule of law will be the bulwark against further violence. In the private sector, economic activity could be directed as much to generating security or effective governance as to long-term growth.

A final resource deficit also needs to be considered, and this focuses on the outside interveners and not the host nation. This is the “expertise deficit”—or the failure to provide persons with the needed capabilities and experience to manage the very difficult problems generated by an irregular conflict. This deficit is regularly exacerbated by the failure to understand that, in addition to substantive expertise, cross-cultural understanding is often critically important (relating to the need for assessments, discussed below).

It is crucially important to generate the needed expertise before an irregular conflict—and that requires, at a minimum, creating a series of positions that provide for career development of the capacities, which will be needed in such circumstances. The U.S. Government has taken a useful step through the creation of a reserve corps of experts, but the reserve corps is still too small and not easily deployable in actual circumstances. Moreover, those persons tend to lack experience in cross-cultural interaction—and cross-cultural interaction often is crucial. Beyond position creation, research into effective methodologies and education in civilian expertise required for irregular conflict are critical requirements. While much academic and practical expertise has been developed in certain areas over the past two decades, this is not true across the board in all areas where expertise is crucial. For example, while we know much about the kind of structural assistance that countries emerging from conflict need at the macro-economic level, we know much less about when and how best to provide assistance that will help develop sustainable markets or ensure effective distribution of essential services, whether through the public or the private sector.

Goals and Priorities

A fundamental question for irregular conflict is defining the goal—how should success be measured—and how might it change over time.

Historically, it is well established that most irregular conflicts continue for extensive periods, even when they are successfully resolved. Various studies list the average duration as nine, 10 or

11 years—and many are longer. In situations where the prospect of quick success is not likely, prioritization will valuably assist the application of strategies and resources, and it should be expected that goals will change over time. It will be enormously valuable to the interveners to be clear as to what their goals are in the short, medium, and long term.

The setting of goals is not, of course, limited to irregular conflicts. As Clausewitz states in "On War," "no one starts a war—or rather, no one in his senses ought to do so—without first being clear in his mind what he intends to achieve by that war and how he intends to conduct it."[5] A brief review of irregular challenges faced by the United States in recent years demonstrates that these often encompass multiple differentiated goals that change over time.

In the past decade and a half, the United States (generally with allies) has undertaken irregular conflicts as a result of humanitarian crisis (Somalia), civil war and ethnic cleansing (Bosnia, Kosovo), breakdown in governance (Haiti), as a second phase of an initial retaliatory response (Afghanistan), and as a consequence of an intervention initially focused on the threat of weapons of mass destruction (Iraq). In each of those circumstances, the intervention by military force relatively promptly achieved the initial objective that had generated the intervention (e.g., end of ethnic cleansing in Kosovo, retaliation against and degradation of Al-Qaeda in Afghanistan). But when the United States' medium- and longer-term objectives were considered, it became clear that the generation of a reasonably stable situation in each of those countries was important—in general to ensure that the factors that had generated the intervention did not again occur.

It is important to recognize that the goals of the outside interveners and the goals of the host nation, while likely overlapping, will not always be in full consonance. The host nation might want to control outside resources in a fashion that causes concern by outside interveners. There may be pressure for outside military forces to leave sooner than intervener calculations might deem advisable. The host nation could also want to have long-term international assistance for reconstruction and commitment for an extended development agenda beyond what outside interveners might be willing to supply. Outside interveners, by contrast, often could be satisfied with far less in an irregular conflict than would perhaps be appropriate long-term goals for a developmental effort. Foreign policy objectives will dominate, including the degree of willingness to engage in combat and suffer casualties. Donor fatigue due to the extraordinary cost of troops and reconstruction has often led to a withdrawal of effort long before the nation-state building task is completed—though that could be sufficient from an outside perspective to have generated the necessary stability.

The Importance of Time-Phasing

As noted above, the differentiating factor of irregular conflict is the requirement to persuade a population to create an environment in which violence is not a key factor. But there are important differences in achieving that objective once time is taken into account.

Based on the realities on the ground, it almost always will be the case that a multiple time-frame approach is required. The very ambitious end state of legitimate, effective, and accountable host nation government is certainly an end goal. To realize that end state, however, intermediate goals are required that articulate a transitional process of moving forward over time. These intermediate goals should define what is "good enough" and "fair enough" at various stages in an ongoing process. The intermediate goals must clearly address the appropriate sequencing and

prioritization of activities, and must nest within what is sustainable for resourcing over extended periods needed for genuine reform and transformation.

The skilled planner and practitioner must understand both the longer-term and shorter-term goals, the relationship between the two, and the actions necessary to achieve each over time. It is easy enough to say that, when governments are capable and efficient at meeting citizens' needs and expectations, this is the core of legitimate governance. But when violent actions are taking place, there are often three simultaneous critical deficits: 1) security—where the state failed to protect people and property; 2) effectiveness—the failure to provide basic services and economic opportunity to all citizens; and 3) legitimacy—the failure to provide responsive and accountable government, protection of basic rights, representation and inclusiveness for all citizens.[6] Addressing those deficits is the core of succeeding in an irregular conflict because they form the basis of citizen expectation for their government. But those deficits normally will not be promptly remedied—and therefore a short-term strategy is one of the crucial skills of the successful irregular operation. Equally important, it may be critical to put one or another of the objectives as the most crucial for some period of time or for some particular place. Irregular conflicts are complex and dynamic, and they require a skilled and adaptive implementation to respond to that complexity.

Throughout the term of the irregular conflict, interveners should ask what are appropriate milestones and end points. Another way to ask this question is "what is good enough" realistically in the context and time frame. As noted above, the ultimate end point for a counterinsurgency or a stability operation could well be less than the ultimate goal for the nation-state. In such operations, a reasonable end goal might be a combination of a significant limitation of violence and that the host government should be making significant progress toward "good governance," i.e., establishing the processes and institutions that enable a secure, legitimate, and adequately effective governance structure. That there is a trend line toward increasingly improved governance is very important for effective irregular conflict response. Precisely how far down that line is "good enough" depends on the context but key factors include that, for the most part, conflict groups within the country have chosen to utilize governmental structures to resolve political disputes, the basic structures of government are agreed upon, government can provide reasonable services, and the economy is stabilized and investment is beginning to occur. Despite those general conclusions, it should not be forgotten that the notion of good enough will be different each time for every host-country situation and related outside intervention. Accordingly, it is important to specifically identify those goals in each particular context so activity by outside interveners and the host nation is directed toward achievable outcomes.

Prioritization of Substantive Effort

In irregular conflicts, governmental institutions and processes, the ability of security forces to maintain order and the social contract between government and citizens are broken, yet the available resources to respond are limited. Failed and failing states are characterized by fragile public sector institutions, weak or non-existent governing capacity, and fractured ability to deliver services and goods to the host country populations. Rapid infusions of large amounts of assistance and projects compounded by multiple lines of effort often overwhelm nascent political structures with limited and weak security institutions. Massive capital inflows and multiple lines of effort often cannot be absorbed by the legitimate government and can serve to fuel both inflation and corruption. This broad analysis leads to two important conclusions.

First, it is important to avoid over-ambition in defining a nation-state building agenda. Too broad and ambitious an agenda gives no guidance as to how to reconstruct a state, which, given that there is an irregular conflict, has failed in its operational purposes. As noted below, any agenda should be based on a comprehensive political, military, economic, cultural, and social assessment of the state. States do have multiple requirements so simultaneous lines of operation will be necessary. But, within that context, doing some things well is important, and the need to prioritize is necessary to avoid simply doing many things, but doing them poorly. Capacity building and institution building are critical, but sequencing with time-phased objectives is essential to ensure absorptive capacity for the host government and to avoid overwhelming fragile and weak nation-states. In short, phasing and sequencing are critical in order to move forward selectively on multiple lines of operation.

Second, in the short term, an effective approach would be to prioritize the governance, security, and economic actions that have significant, immediate beneficial effects on the population. Such an approach will have an important legitimizing effect and will enhance stability. While no "one size fits all" approach will be available for every irregular conflict, there is some reasonable likelihood that the types of activities discussed below will recur in multiple circumstances.

Implementing the Strategic Plan

How does one address the deficits of governance, security, economy, and reconciliation in an irregular conflict? One of the key conclusions of this book is the need for a thorough situational assessment involving all dimensions of the state's political, military, economic, cultural, and social characteristics to inform both strategic and operational planning. A comprehensive assessment process is essential to the design of effective irregular conflict strategies. The second key conclusion is the necessity of creating adequately effective host nation leadership over time.

Assessment

The assessment process must be developed as a cross-functional activity. It must integrate and understand the impact of the different elements of the plan on one another. Governance affects security, which affects economics, which affects reconciliation, and not only vice-versa but on multiple vectors. Moreover, as complicated as this may be, effective assessment needs, at a minimum, the active input and, ultimately, the full participation of the host nation. It will require the establishment of an assessment framework applied by multi-disciplinary teams with the necessary skill sets to both observe and evaluate host nation institutions and activities. In most situations, various elements of the international community will be engaged in the host nation, and the assessment process should appropriately engage internationally.

Assessment requires both the acquisition of information and the making of judgments. Over time, the "facts on the ground" almost certainly will change, and that implies the need for periodic updated assessments. A dynamic assessment process will allow for a differentiated but nonetheless focused implementation approach.

Based on appropriate assessment, outside interveners should plan a phased and appropriate sequencing of tasks, understanding that the ultimate task is for the host nation to function reasonably so it will meet citizen expectations —the crucial function is transition to host nation governance. In developing the implementation plan, it is imperative to avoid an overambitious,

agenda that seeks to address all deficiencies simultaneously and equally. Prioritization and sequencing of interventions is required, because limitations on resources are always a significant real-world constraint and because there will be few host countries with an unlimited capacity to absorb.

It is critical to recognize the importance of having a dynamic approach to planning. Efforts on the ground should have consequences that change the situation, and, in response, the plan likely will need to be updated and revised. Throughout such revisions, the focus should be the paramount importance of the transition to the host nation leadership if the intervention is not to be endless.

Host Nation Leadership

Commitment and ownership by the host country are crucial to re-establishing a permanent legitimate, effective, and stable governance structure after a period of conflict. Initially, institutions often are broken or fragmented, political processes are dismantled or ineffective, and the governments at all levels (central, regional, provincial, municipal) are either fragile or non-existent. Nonetheless, host countries must eventually take the lead in re-creating the political processes and institutions as external interveners are limited in their ability to reconstitute the state. Ultimately, it is "their war."

There is often, however, what might be termed a "partnership deficit" in an irregular conflict—which combines 1) the inability effectively to create capacity in the host nation with 2) a lack of knowledge and understanding as to when and how to transfer leadership in an area from the interveners to the host nation. There are several reasons for those difficulties.

One of the fundamental problems in dealing with an irregular conflict, whether counterinsurgency or stability operation, are the limitations on human capital in the host nation. Those limits create a tendency for the outside interveners to take on numerous tasks. Such outside actions could be necessary at the outset of an operation, but it should not be forgotten that the goal of the operation is to create a sovereign and independent host nation. Establishing a pattern of dependence on outside interveners is not a long-term solution. Development of human capital at all levels is therefore critical. Building human capital is difficult and often time-consuming. Training usually is not enough—institutions must be created that require more than a training/educational approach. Coaching and mentoring by the outside interveners is also key and should be undertaken as much as possible, rather than the easier short-term solution of control by the outside interveners. Coaching involves both advising and action—the transfer of knowledge first, but ultimately the transfer of responsibility for action. Implementing projects as the responsibility of the host-country nationals is the goal of the operation.

To be sure, there are areas on the non-military side of responding to irregular conflict where reasonable results generally can be achieved. For the most part, these involve more technical areas where analysis has proceeded and where resource requirements are not substantial. Examples include the creation of a currency or the running of an election or even the establishment of regulatory requirements for an industry, such as telecommunications. Those are not trivial achievements, but the effort generally falls short where expertise has to be devolved on an ongoing basis to numerous persons in the host nation.

The partnership deficit happens, in part, because of a lack of human capital, but it also arises because of an insufficient provision of resources in helping establish host nation capacity. The value of sufficient resources can be illustrated by a comparison of the historical effectiveness of training host nation militaries as compared to training host nation police. In significant part, the former's greater effectiveness is because the United States has had long experience in training militaries, and has both a doctrine that demonstrates how to do this as well as an understanding that substantial resources will be required to be successful. By contrast, police training is often done without consideration of the full-fledged approach needed—not just individual training but also the institutional requirements noted in the section on police (below). What is true for police training is similarly true for the judiciary—the effort is under-resourced and generally not done in a comprehensive fashion—and the issue of inadequate resources on the civil side can be made more generally beyond these examples.

The third difficulty relating to the transfer of authority and the establishment of host nation leadership is the issue of corruption. The problem of establishing an adequately honest government—i.e., dealing with corruption—needs far greater analysis inasmuch as corruption can cause a government to be illegitimate from the population's point of view and thereby undercut the thrust of the response to irregular conflict.

It is improbable, to say the least, that all issues of corruption will be eliminated in the context of an irregular conflict—and there are cultural differences where what would be considered corruption in the United States might be more acceptable elsewhere. But it is not the case that the problem of corruption is of no consequence. Deep corruption can seriously affect the population's perspective on the government—and, as noted, a negative perception essentially can cause the attempted response to irregular conflict to fail.

There will not be any simple answers—and each situation might be different, but it is certainly the case that the matter can be thought through and guidance provided. As an example, consider the issues of corruption in a recovering economy. Countries in or emerging from irregular conflict are beset by challenges emanating from the illegal and illicit sectors of the economy. It could be that a highly differentiated response would be appropriate. For example, there might be entrepreneurs in the gray economy[7] whose activities can be transformed and channeled into the formal sector. It might be that the financing, production, and distribution of illegal products are key elements of livelihood for important elements of the population and cannot be ended without some substitution. Focus might then be on substitution and on higher level persons who really run the illegal trade. But the main point is that thought needs to be given to the need for accountability, transparency, and rule of law—and how, and to what extent, this can really be accomplished in the context of a particular conflict.

Obstacles to building a partnership with the host nation could go well beyond inadequate capacity, lack of capability, or high levels of corruption. Political differences between external actors and host nation authorities are inevitable. Some of those differences will reflect fundamental discontinuities between the interests of host nation political elites and those of their bilateral and international partners. The key points are that, on the one hand, the host nation will not necessarily do what outside interveners would like, and that, on the other, in some cases host-nation guidance might not control the agenda, regardless of the need for host nation ownership. A further complicating factor is that outcomes from outside intervener actions and those from host nation partners often are not linear. Unanticipated second- and third-order consequences of

actions to address an insurgency may not be what interveners—or host-nation partners—want. All these complexities mean that while limited objectives, like reducing violence, might be achievable in the short term, broader and more comprehensive objectives, such as achieving good governance or restoring rule of law, could be less achievable and require much higher commitments of resources over much longer periods.

In sum, we need to develop as part of an integrated strategy a thoughtful approach to developing host nation capacity and transferring authority. Just as we expect to put a very strong effort into the creation of an effective host nation military, we should equally expect to put a similar effort into the establishment of effective host nation civil capacities. We also need to take into account the potential limits of host nation capacity and of the potential differentiation in goals between the host nation and outside interveners. Those factors should be an integral part of any overall strategy.

Governance

Although the conventional wisdom states with some accuracy that security is a *sine qua non* of any effective state-building, a legitimate political framework accepted by the population is equally crucial. In some cases, a political consensus could even be a precursor to establishment of security, and the political framework and agreement between the power brokers of society often are necessary to establish security. Both the political agreement and the establishment of security almost always are interactive—and should be reinforcing. Accordingly, the process of re-establishing legitimate governments, which occurs at each of the local, regional, and national level during and after the conflict, is a critical and priority task.

External interveners, in helping to establish interim governments or supporting existing ones in dealing with local and national power brokers, and, as necessary, in helping to establish a constitution and laws, are involved in state-building. Re-establishing constitutional and judicial processes, curtailing the excesses of power and spoilers, brokering ethnic, religious or political power-sharing and defining executive, legislative and judicial systems are ongoing throughout an irregular conflict and constitute the basic building blocks that sustain any peaceful resolution of conflict. It is not only the monopolization of power that is sufficient to ensure that a nation-state is on the trajectory for a viable and resilient state; legitimacy and effectiveness are the necessary elements in a stable society. A permissive environment is not the *sine qua non* of state-building, as the process of institutional development and capacity building is not generally a linear progression, and can—and should—be established in a non-permissive or semi-permissive environment. While these processes should proceed somewhat more easily in stable permissive environments, shifting power elites, spoilers, and both interim and extant government leaders will influence and affect the governance building in both non-permissive and permissive environments. Ultimately, there needs to be a governance plan, properly resourced, that allows what will necessarily be a distributed central, regional, and local effort to go forward in a reasonable fashion.

In order to be effective in the establishment of governance, the outside interveners should be aware of the “rules of the game” as to how governance has actually been undertaken in the host nation. As noted above, “rules of the game” refer to the existing informal and formal legal and power arrangements that assist in brokering power sharing, mediating disputes, and allocating resources. These rules are imbedded in the culture and social norms of a society. Any new legal

code or laws will necessarily be established against the background of these rules. It is important to understand them to determine if they can be built upon and where they need to be changed. This would include determining whether they meet international codes of conduct or standard human rights conventions that the outside interveners should insist upon. It is difficult to believe that an intervening force can impose a specific body of law without consideration of the existing legal structures, informal rules and practices, and cultural norms and patterns of behavior—but it is not the case that all practices of a society that has needed a stability operation must be accepted. Depending on the context, it often will be the case that a full-blown governance structure will take time to be established and to become effective. In those circumstances, it is useful to think in terms of developing a rules-based structure that supports the progress toward stability.

One of the fundamental issues that outside interveners will face in an irregular conflict is which leaders and which elements of the population will receive their greatest support. In his classic analysis "Counterinsurgency Warfare," David Galula states that "[t]he strategic problem of the counterinsurgent may be defined now as follows: 'To find the favorable minority, to organize it in order to mobilize the population against the insurgent minority.' Every operation, whether in the military field or in the political, social, economic, and psychological fields, must be geared to that end."[8]

It is worth underscoring that Galula's approach does not say "support the government." The key in his analysis is finding the active and favorable minority in the population—and while presumably this would include the government that is being supported, there is a broader approach being proposed and one that encompasses not only government officials but also more importantly an entire critical citizenry. One might expand Galula's analysis to refer to favorable groups—not just one minority—and even to a majority—but the key point he makes is that one must know with whom one can work, initially and then later as events progress.

Galula's analysis logically leads to the conclusion of engaging both civil society and private sector institutions. Depending on the particular circumstances, this can prove to be a complicated task. As Richard McCall notes, (infra, p. 62) "While most nation-states have gone through creation of institution and processes at all levels, the citizens of many of these countries may not have. They have not had the opportunity to participate in processes where common values are identified and agreed upon, and institutions created where this fundamental societal consensus is reflected."[9] In virtually every failing or failed state, there tends to be strong identity at the ethnic, religious, or community level. If skillfully implemented, the processes of institution building at all levels of society can transcend the sometimes divisive nature of localism, communalism, ethnic, or religious divisions and assist in building national identity. Interveners need to give thought to these approaches and recognize that such institutions could include activities as diverse as military and police on the one hand, and education and health committees, agricultural cooperatives, parent-teacher associations, or water boards, on the other.[10]

Ultimately, the need for the support of the "favorable minority" underscores the importance of legitimacy of governance. As discussed above, to the extent that the government is seen as corrupt or otherwise non-responsive, the greater the difficulty of generating support. Government corruption and ineffectiveness are often both causes and consequences of irregular conflict. Corruption is usually an omnipresent threat to the legitimacy and success of state-building efforts. It can siphon off vast amounts of public resources needed to restore services, encourages

the perception of kleptocratic government as inevitable, demoralizes a society and enhances the perception of the illegitimacy of a regime. Rampant corruption also has an impact on the donor community—both international financial institutions and bilateral donors are either hesitant or prohibited from providing financing for "rent-seeking" regimes. Especially when the central government is tarnished with these concerns, the outside interveners might have to focus very heavily on local governance if they hope at all to be successful.

Based on this analysis, several conclusions can be reached to help organize the approach to governance in an irregular conflict.

First, the issue of configuration of a nation-state in terms of centralization and decentralization generally will be a false dichotomy. Essential central features of a state—constitution, the ability to hold relatively free and fair elections to ensure a peaceful transfer of power, and establishment of certain key security institutions (e.g., military, border control) to provide stability—are necessary. However, important building blocks of a state also include the subnational (regional and local) units. These local units most obviously include traditional municipal services. Other functions, such as taxing, control over resources, police, and security can function at the national and/or regional/local level, and political decisions have to be made as where to vest such powers, which may be overlapping.

Second, often the central versus local dispute is a surrogate for issues of power sharing and/or distribution of assets and resources among diverse, and frequently opposed, groups within the host nation. Resolving such questions, which are ultimately political, requires understanding the underlying political and economic structures of the host nation, which are much more important than abstract discussions as to the relationship between central and/or regional and local governments.

Third, given that there are relatively scarce resources to establish or alter governmental structures, the overriding principle for sequencing the development of government should be to address the part of the government that has the greatest impact on the overall effectiveness of government and/or the condition of the populace, economically or otherwise.

Integrating Security and Governance: Policing, Non-State Actors, and Justice

The importance of a political framework is not to deny the importance of security. Irregular conflict is defined by violence or its threat, and that needs to be confronted, limited, and reduced. Depending on the precise circumstances, rebuilding security, then, requires effective implementation of military tasks, but, equally and sometimes more importantly, the implementation of non-military tasks essential to restoring legitimacy and functionality in the security sector. Most important among these tasks are restoring police services, dealing with non-state security actors, and restoring functionality to the justice system. Each of these elements involves security and governance, and each presents difficulties, but the requirement for their effective integration has not yet been sufficiently developed.

As noted above, military activities, which are important elements in dealing with an irregular conflict, have been analyzed substantively elsewhere. While much can be said about them, three points are important to underscore: 1) the military aspect of responding to irregular conflict is manpower intensive—enough forces are necessary; 2) creating an effective host nation military

is crucial but time-consuming and resource intensive; and 3) the military effort needs at all times to be integrated with the civil effort. In the analysis that follows, we assume each of these points is understood and followed.

Restoring Police Services

The police function can be extremely complicated. One of the important questions for rebuilding the law enforcement sector is what type of police is appropriate for that particular host nation. The question encompasses both institutional structures and functional capabilities. Institutionally, police forces can be organized centrally in a national police force, be decentralized in regional and local bodies, or could involve a combination of the two. It is important to determine which model will be followed and how it will be established in the early stages of planning. Key questions to be answered in the assessment process should include who hires the police; who directs police operations; and what is the relationship of the police to the national, provincial, and local power structures (accountability). If a national (centralized) model is being utilized, activities should include capacity building at the ministerial and national police headquarters level, and should support the development of relationships between the appropriate host nation ministries and local police.

Police capacity building requires an integrated effort to be effective: that effort must encompass individual and collective training of police forces; establishment of effective support (including pay, materiel, and logistics) for those forces; and the development of host nation senior leaders in the law enforcement sector. The difficulty of building an effective police establishment is well known.[11] The full institutional support that is needed for individual policemen (pay, materiel, logistics, judicial framework) is difficult to create quickly, but there are some useful approaches that can be undertaken.

First, as has been regularly done, outside interveners can support, train, and/or direct police activities in a host nation. Determining the appropriate role(s) for external actors in host nation policing is critical and should be thoroughly addressed in assessment models. Moreover, whatever the initial role(s), external involvement in policing will almost certainly change over time: planning should shape that change to support progressively greater host nation autonomy. Where external actors and the host-nation exercise “shared sovereignty” in directing or controlling police operations, processes for the direction/control of police, including “right-hand seat” guidance, must be jointly developed and implemented, with due recognition of the legitimacy issues raised by outside control of or participation in host nation policing activities.

Second, police training, itself, is best done by specialized, knowledgeable trainers. In a permissive environment, police capacity building should be conducted by personnel with training and experience as civil law-enforcement officers. It is certainly possible for the military to provide police training if the trainers are knowledgeable in police techniques. If the military is used in such a role—generally because of the lack of other available resources and/or the problems of scale—there might be value in complementing the military trainers with trainers drawn from traditional police backgrounds.

Third, police training is not enough. If host nation police are to be effective, they need to be provided appropriate support when inserted into the local environment. At a minimum, this support must include adequate enabling materiel, logistics, and a robust police advisor effort. In

non-permissive environments, direct military support and operational collaboration between police and military units will be required to enable host nation police operations; military and law-enforcement planners should incorporate that requirement into stabilization planning models.

Fourth, programs focused on building police capacity must be adequately resourced and sustained over time. Police training is manpower intensive—and this is true even when the effort is to "train the trainer"—and programs must provide sufficient technical trainers and police advisors to raise host nation policing capacity to levels required for transition within the projected transition time frame. Funding for police capacity building should be adequately planned, and adequate funding levels must be established and maintained until requisite host nation capacity is achieved.

Fifth, beyond training, operational effectiveness demands sufficient police resources. Mobilizing these resources and sustaining necessary levels of funding over time demands a very significant amount of international support. Failure to provide—and sustain—such assistance will lead to the absence of a functioning host nation police element, significantly undercutting the prospects for success in all of the stability operations' functional areas.

Sixth, building police capacity needs to be started promptly, much more so than generally has been the case historically. Unfortunately, although the use of outside police to train, and sometimes provide, police capacities has become relatively common, those efforts have frequently been quite slow, limited in scope and not very effective. While there is a broad understanding of the importance of incorporating external police forces in the planning for irregular conflict operations,[12] in reality it often takes a significant period of time—a year or more—to create such a deployment.[13] Such a gap can create the opportunity for significant disruption by insurgents and other spoilers, and it can seriously undercut the legitimacy of governance.

Seventh, policing activities likely will differ in important ways, depending on whether the host nation (in whole or in part) presents a permissive or non-permissive environment. In a permissive environment, policing should focus on traditional law enforcement techniques, such as investigation and community policing. In a non-permissive environment, determining whether or not the police are being targeted is very important in the assessment phase, and assessment models should incorporate that as a fundamental task. Where police are deliberately targeted by combatant groups, planning must include an appropriate concept of operations for police-force protection that does not, itself, undermine the legitimacy and functionality of host nation police forces. In such cases, policing might be extended to include a paramilitary element, focused on responding to insurgent, terrorist, or other major violent activity. Alternatively, military forces could partner closely with police in non-permissive or semi-permissive environments to meet police needs for force protection against threats that exceed the capabilities of the civil law enforcement sector.

One approach that can bring together the police element and the military element would be to field a stability policing capability, either by deploying external stability police units, or by building a host nation stability policing capability. This capability would consist of formed stability police units, which would be integrated with local police forces. Italian Carabinieri—one of the primary examples of stability police forces—have police capabilities as well as

sufficient firepower and training to respond effectively to military threats. Local police are still fully necessary and so must be established as a priority step, since they will provide the actual policing services upon which community-based security is founded. But carabinieri (supported by military forces, if necessary) have a far greater capacity to deal with heavily armed insurgents, carving out a secure space for local police forces to police their communities. If the host nation requires a paramilitary stability police force, then military training will be required for those forces, and the United States should seek assistance from bilateral partners who have paramilitary police forces (Italian Carabinieri, French Gendarmerie) in structuring, equipping, and training that capability.

Finally, given the crucial nature of police to both security and governance, police effectiveness should be assessed on a regular basis as the response to irregular conflict proceeds. The measure of effectiveness should be the degree to which host-nation communities rely on their own police as the first responder of choice, rather than militias, military forces (external or host nation), or private security companies.

Dealing with Non-State Security Actors

Host nation police and militaries often will not be the only—or even the most important—security actors in an irregular conflict. Non-state security actors might be critical groups in affecting the security environment, including providing security at the community level. How to take account of the presence of such groups in an irregular conflict has only been systematically addressed in quite limited fashion—even though their critical nature is well known in key conflicts. From a theoretical perspective, interveners would generally hope to limit as much as possible the existence and power of non-state security actors. Non-state security actors are distinguished by their capacity for utilizing violence, and so undercut the process of re-establishing the state monopoly on violence, a key objective in an irregular conflict. But irregular conflicts do not happen in theory, and the reality of the circumstances may require working with non-state actors to create security.

In the effort to establish security, militias or other non-state actors can sometimes have a positive impact, becoming collaborative partners with intervening forces and extending the reach and effectiveness of those forces. Because of their intimate involvement with local communities, militias, and other non-state actors can limit violence in the communities in which they operate. Indeed, such non-state actor security forces often can be more trusted by some elements of the populace than the host nation government and/or host nation security forces. Beyond pure security, militias and other non–state actors can be “youth hiring” programs for potential negative actors—although an important question is whether such actors could better be transitioned to a less potentially violent civilian corps focused on the non-security aspects of reconstruction.

While non-state security actors could be necessary (or inevitable), there are definite downsides that need to be taken into consideration. Militias and other non-state actors generally lack any accountability mechanisms and often themselves become perpetrators of violence and human rights abuses against civilians. Such actions can create or reinforce a culture of impunity and undercut the authority of the host-nation government, undermining efforts to restore legitimate and effective governance.

When militia and/or other non-state actors are used to generate security, the theoretically desirable outcome is transition to the state incorporating or otherwise controlling the militias or non-state actors, restoring the state monopoly on the use of coercive force. Such a transition could be quite difficult since the non-state actors often can be the very forces opposing the state—for example, in a civil war. Outside interveners could play an ameliorating and bridging role between the non-state actors and the state. That hardly is an ideal situation, but it could be an important way to create interim stability. In such circumstances, interveners need to consider how long such an intermediary role will need to exist—and what would be a path to a more stable longer-term situation. Ideally, the non-state actor and the state eventually will be brought together, but in some situations, particularly where there is a highly federated governance circumstance, the non-state actor may not soon come under central government control. In that situation, it is still important—to the extent practicable—to bring the non-state security actor under local government control to effectuate a more stable security situation and a more legitimate government in the region.

Where militias or other non-state actors play a role in generating a secure environment, several key issues must be addressed, all of which go ultimately to the issues of control and the longer-term existence of these types of forces. At the broadest level, it will be important to establish the relationship between non-state security actors, external forces, and the host nation government, including host nation security forces. That set of relationships likely will be created in significant part by several prior considerations. First, what benefits do the forces potentially bring, and, can they be demobilized without significant downsides? Second, if they are to continue to exist, how will their roles interface with actors in the formal host nation security sector or external security forces? Who will advise the non-state security actors, what mandates and authorities will those advisors exercise, and who will direct those advisors? Third, who will pay the non-state security actors, and what will be their compensation?

Ultimately, the non-state security actor could be a key participant in creating adequate security in an irregular conflict. But using such actors could demand a very adaptive strategy that must allow for flexibility in the concept of government monopoly over the use of violence. This could only be a least-worst solution, but its viability in the interim needs seriously to be considered in irregular conflicts.

Rule of Law and the Justice System

A critical factor in integrating security and governance is the need to establish a working judicial system with an appropriate legal framework and a competent functioning judiciary. Rule of law provides the foundation for this process. In order for rule of law to be effective, it must be accorded operational reality through a functioning and legitimate system of justice, including the judiciary.

A fundamental set of questions centers on the issue of which rules of law apply during an irregular conflict. Intervening forces must determine the relevance of law other than host nation (law of armed conflict, human rights law, national laws of intervening state or states, occupation law, martial law, U.N. resolutions, or some other alternative) to their operations. From a host nation legitimacy point of view, it will be most valuable to have the host nation apply its own laws (at least if these are not entirely discredited), but outside interveners may not agree, especially when considerable violence is ongoing. In an irregular conflict, the militaries engaged

normally apply the law of armed conflict (with not all involved militaries necessarily in agreement), although the host nation (and, occasionally, external military forces as well) could regard insurgents as criminals subject to host nation criminal law rather than lawful combatants.

There also are relatively new issues, such as how host nation law will apply to outside programs and program implementers and, especially, regarding the role of private security contractors. In any irregular conflict, there must be substantial, advertent focus on what constitutes the law and how it is to be applied. Interveners and the host nation government must determine to what extent the concept of shared sovereignty between interveners and host nation will apply, and must establish mechanisms and processes to implement shared sovereignty where required.

While intervention for stability operations purposes often means that the rule of law is not operating in the host nation, there almost always will be a host nation rule of law framework or frameworks. Identifying host nation rule of law frameworks is an essential task for the assessment process. The assessment process must recognize and identify competing frameworks where they exist, and determine the level of legitimacy that each enjoys among local communities. Once the assessment process has identified existing rule of law frameworks, planning must determine which frameworks will be adopted and how they will be applied. This is not a static process. Rule of law frameworks can be expected to change as transition goes forward and host nation sovereignty is re-established; planning must both reflect and shape that change.

Input from the host nation will be important in both the rule of law assessment and in determining which rule of law frameworks to employ. The nature of that input will be affected by the status of the host nation and its government, but even where the host nation government is not currently functional, ways and means must be found to support host nation participation in this process. Moreover, programs should recognize that changes will be necessary over time in all of these areas, and planning must be undertaken to support such changes.

Finally, it should be recognized that decisions regarding the host nation rule of law framework will generate critical issues in related areas of governance. The rule of law framework adopted could require restoration of or changes to host nation governance structures and processes, or the rule of law itself could be affected by those governance structures and processes. In this event, determining the appropriate rule of law to apply will be tied closely to the implementation of required changes in the political processes of governance. The rule of law model adopted could also influence the relationship between central government authority and local governance structures (including customary and traditional structures); planners must recognize and understand that influence and determine how it will affect the effort.

Rule of law will have limited impact if justice system mechanisms and processes lack functionality or legitimacy. Courts are obviously critical to the irregular conflict effort, and courts have the added virtue of being a very visible step in establishing legitimacy for governance. It has, however, been very difficult to establish courts in the circumstances of irregular conflicts, especially beyond central cities.[14] Planning must determine how the judicial process will be staffed and otherwise supported. The necessity of the intervention implies that it could take time to create a fully functional rule of law process: interim processes need to be “fair enough” in the eyes of the host nation and related to international norms to support transition to a

fully functional and legitimate host nation rule of law framework; what is "fair enough" will probably change as transition proceeds over time.

It will be critical for interveners, in collaboration with the host nation government, and possibly with local communities as well, to have calculated which type of judicial capacity needs to be created, and how much to rely on existing arrangements. For example, many developing societies rely heavily on various types of local justice and customary practice.[15] A local approach could be invaluable—justices of the peace or local magistrates, for example—but there might be limits on the types of cases that should be dealt with by such an approach. Again, by way of example, programs must determine the role the formal judicial process will play in the host nation criminal justice system, and what other, informal processes will be used, if any. It is also possible that different systems will be used in different parts of the country, differentiated either geographically or on urban/rural grounds. In some cases, greater usage could be made of at least some aspects of traditional rule of law processes, even though those might not conform to formal systems of codified law or to the standards the interveners themselves hold.

In at least some circumstances, one approach to be considered to remedy some judicial deficiencies is to temporarily supplement the judges of the host country with judges from the outside—somewhat along the lines of international police. If the use of outside judges is undertaken, consideration needs to be given to where the outside judges would come from, perhaps sanctioned in some fashion by the United Nations or another recognized international authority, and who would appoint them, perhaps a type of host-country consent could be generated.[16] There can be little doubt that this is not a perfect solution. It might undermine the legitimacy of the host nation, at a minimum.[17] But the question is whether the loss of legitimacy generated by the use of outside judges will be more harmful to establishment of governance than the absence of justice produced by dysfunctional host nation judicial bodies. To meet the legitimacy considerations, any outside judicial involvement should be implemented within the host nation's structure of governance[18] and planned to be transitional, with the host nation assuming full responsibility for the judicial system by the end of a designated period. "Shared sovereignty" of this type could be a least-worst solution.

Finally, planners must determine which sequence should be used in restoring a functional justice system and establishing judicial processes more broadly. Whether the greatest effort should be on criminal processes or extended to include commercial law, for example, is a question that should be addressed in the assessment process. Corrections must be included in this assessment as well, to ensure that judicial outcomes are adequately supported by the appropriate penal institutions. Where the role of former fighters is significant, reconciliation could offer an alternative to criminal prosecutions as part of a broader disarmament, demobilization, and reintegration program, as noted in the subsequent section on reconciliation.

Economics

Economics in the context of irregular conflict provides both a key line of operation and a supporting effort particularly for governance and legitimacy. Broadly speaking, there are four economic approaches that are regularly utilized, generally in overlapping fashion. The first is to pursue macroeconomic policies that organize and transform the structure of the economy. The value of the macroeconomic approach in irregular conflict is reflected in the notion that a rising tide lifts all boats. Presumably, a better-off population will be less receptive to insurgency and

instability. The second approach is a focus on microeconomic measures that create wealth. The effort here is at the individual and enterprise level, and seeks to restore basic livelihoods, and resuscitate local and regional markets. Job creation is often at the center of this approach, with the idea that new government-sanctioned jobs limit the attractiveness of insurgency-related employment as a source of income. Demobilization programs often reflect this consideration. This microeconomic approach reflects the notion that it is better to teach a man to fish than to give him one—and that a satisfied fisherman is less likely to be a dissatisfied insurgent. The third way to re-energize the economy focuses on building the capacity of government to deliver essential services to the populace. The better the government does this, the greater is its legitimacy in the eyes of the population. This focus reflects an institutional approach, which is often oriented toward short-term results that demonstrate that the government supports the populace. If the government goes beyond services and also focuses on itself providing employment, there is an overlap between the second and third approaches. The fourth economic effort is intervener-oriented and focuses on the provision of humanitarian assistance. This humanitarian approach reflects the fact that quickly meeting the basic human needs of the populace is critical during a period of sustained intense violence and its immediate aftermath.

Broadly speaking, then, the economic path to success in an irregular conflict involves restoration of pre-conflict livelihoods, re-opening of markets, and re-establishment of a governance framework that can sustain economic growth. None of the above is easy to do. Foreign interveners have not had much success in rebuilding the economies of states affected by irregular conflict. Many economic initiatives have been of some benefit to countries that followed the path to success in irregular conflicts, but the results of donor-initiated development programs have been disappointing historically. With national development being such a complex process and so conditioned by unique circumstances, the claims that are made about the extent of the support that economics provides toward the restoration of legitimate governance, and security and stability—and vice-versa—can often be as much a matter of common sense assertion than of data-derived fact. Focused research on this would be highly worthwhile.

Common sense nonetheless strongly suggests that economic measures should be used to support government legitimacy and security. But what is the right priority for a country engaged in irregular conflict to be on the path to success? Since meeting critical human needs is imperative in war-torn societies, the activities which should be pursued first are those addressing the immediate basic needs of the populace. Since such humanitarian aid generally does little to develop economic structure, the key is not whether to give such aid in the wake of long-sustained violent conflict, but when and how to make the transition from humanitarian to development aid. Generally, the best approach, following the provision of humanitarian aid, will be a combined macro, micro, and governmental service efforts—though the exact combination will depend on the context of the particular country at issue.

At the macro level, the priority should be to establish economic superstructure of the country. This macrostructure encompasses the basic fiscal and monetary institutions and policies, and the government's economic governance capacities that must be restored or strengthened. Failure to regenerate basic economic structures will make it very difficult to accomplish micro and government service activities—for example, implementation of improper monetary and fiscal policies generally will lead to results such as hyper-inflation or government bankruptcy, undercutting the legitimacy and making far more difficult success in the irregular conflict.

Several steps must be taken on the macroeconomic front to transform the structure of an ailing economy. First, it is critical to initiate economic policy programming without waiting for complete stabilization. Capacity development and governance programs need to be started early, and many policy interventions designed to facilitate economic growth can and should be implemented at the beginning of the rebuilding process. The early attention to the fundamentals of economic growth increases the likelihood of preventing a return to conflict and of moving forward with renewed growth.

Second, a key element is to devise and implement a strategy that creates or restores indigenous-led growth. The goal should be opening up or re-opening the market environment in a complex political economy. The strategy should focus on indigenously sustained growth through productive employment. More broadly, plans must be made to intervene in multiple key sectors of the economy, including: 1) fiscal and monetary policy; 2) employment generation; 3) infrastructure; 4) private sector development; 5) agriculture; 6) banking and finance; and 7) international trade and border management.

Third, it is important to consider all layers of an economy, not just the formal sector. Much of the economic activity in conflict-affected countries takes place in the informal sector or the gray economy. In some countries, much activity occurs in the black or criminal economy. Conflict-sensitive growth includes transformation of these parts of an economy in order to facilitate economic governance and sustain economic growth.

Fourth, there is no doubt that hard choices, which will disappoint some, will have to be made. The complex political economies of societies undergoing or emerging from conflict require targeted interventions. This means there will need to be some acceptance of imbalances between geographic areas and economic sectors during stability operations, while avoiding extreme imbalances that overly favor one over another.

As critical as the macro elements of economic efforts are, the populace will not feel the positive effective of economic transformation until the economy starts to create wealth on the microeconomic front. This can be done by implementing labor-intensive public works programs; enrolling young people in training courses and apprenticeship programs; and extending micro-credit to small entrepreneurs and larger loans to commercially viable firms. Concentrating on short-term simple recovery programs that quickly create jobs and improve livelihoods is important. Infrastructure projects, such as roads that can be part of a labor-intensive public works program, can be valuable. Similarly, consideration needs to be given to reactivating state-owned enterprises that can supply goods and services at competitive prices.

Finally, as Rachel Blum and Jerome LeBleu point out in Chapter 16 (*infra*, p. 159) "channel[ing program funds] through existing service providers—commercial banks, micro-finance institutions, local consulting firms, and non-governmental organizations—rather than through new service delivery entities will build up functioning markets." Making the markets work with and through local suppliers will minimize the local populace's dependency on foreign aid.[19] Likewise, contracting out much of the infrastructure work to indigenous firms that were engaged in such activities before conflict erupted will enhance local economies. In short, ensuring that the local populace is the main supply source of labor, goods, and services is key to the recovery effort.

As these activities go forward, there are three important considerations that need to be taken into account.

First, it is important to recognize the costs in establishing a short-term jobs creation program. It takes substantial funding to create and sustain a large number of short-term jobs during and immediately following substantial conflict. But, despite the costs, creating such jobs at a point when a disaffected populace could just as easily be tempted to support insurgents as the government might be critical to the success in irregular conflict.

Second, local institutions and host government often cannot absorb the substantial financial assets that donors can provide, especially at the beginning of an intervention. The large, rapid infusion of capital in weak financial systems frequently exacerbates rent-seeking, i.e., the attempt to obtain income, licit or illicit, in excess of what would result if the financial systems could easily and productively utilize the capital inflows. A transparent public finance system needs to be established, individuals trained, and a project management program developed to properly administer and utilize large capital flows.

Third, it is important to take account of perceptions. Aid is not neutral. The effect of its provision is a function of to whom it is given, when, and how it is channeled.

The Role of Reconciliation

Success in irregular conflict normally will require persuading not only the population at large to seek to create a stable environment, but also convincing at least a reasonable portion of the opposition—however that opposition may be structured—that it is in their interest to participate in such an environment. That is the task of reconciliation, which focuses on the opposition, though it will utilize the techniques of governance, security and economics—as well as negotiation—to achieve its ends.[20]

Historically, reconciliation has been important in ending conflicts as divergent as Malaya, El Salvador, Angola, and Bosnia, but the means have often been very different. There are some considerations, however, that deserve consideration generally.

First, the relative strength of the parties is quite important. In general, the side with the military upper hand will find it easier to motivate at least some of the opposition to end resistance if for no other reason than to be on the winning side. In some conflicts, military exhaustion could also engender a willingness to reconcile.[21]

Second, there often will be different views among an opposition as to the willingness to consider reconciliation. Seeking to understand those differences and establishing a strategy that takes advantage of them is important.[22]

Third, depending on the circumstances, reconciliation efforts might be focused on top-level leaders, mid-level persons, or at the grass roots, or some combination—and the effort could be group-focused or individual.[23] In any situation, it should be recognized that being a part of the opposition could have provided a structure for an individual in terms of a place in society, a job, and a type of security—and that an effective reconciliation strategy must take that into account.[24]

Fourth, it is important to evaluate which portions of the opposition, if any, will not be subject to generally proffered reconciliation. Exclusions often have very valid grounds, but their existence usually will mean that some portion of the opposition will have to be defeated militarily or through some other security measures.[25]

Fifth, a reconciliation strategy generally will need host nation government ownership because ultimately it is with the host nation that the opposition must be reconciled. However, it is sometimes the case that outside interveners might be in a better position to begin some aspects of the reconciliation—in part because they may be more trusted by the opposition than the host nation. (The Sunni Awakening in Iraq is an example.)[26]

Sixth, if there is widespread opposition, there could be numerous entities involved or in place to be involved in reconciliation. However, a central focus point in the host nation and by the interveners will be important to maintain a common strategic approach. Implementation can profitably be done in many instances on a widespread basis if there is adequate central strategic guidance.[27]

Successful reconciliation will require governance, security, and economic efforts. In the governance arena, the very design of government could be critical. Ensuring executive and/or legislative representation for divergent groups can be a fundamental factor.[28] Efficiency could sometimes be sacrificed in order to obtain buy-in and stability. There might be a price to be paid later if complexity undercuts governance and growth, but that price often will be worthwhile if necessary to end a violent unstable situation—and, over time, as trust builds, a more efficient governance structure might be able to be built.

In the security arena, dealing with non-state security actors, as discussed above, can be an important element of reconciliation. Ultimately, including such actors in the military, police, and other state security institutions can be important to reconciliation.[29] A serious pledge to support the government is critical, and the ability to create integrated security forces is highly valuable. In some instances, there could be a need—at least for a period—to establish arrangements that give some elements of an integrated security force greater autonomy than would be implied by full central government control. As noted above, that is not desirable, and there should at least be local governmental control over such forces even if the relationship to the central government can be more uncertain.

A particular aspect of reconciliation consists of disarmament, demobilization, and reintegration (DDR) programs, frequently run under the.auspices of the United Nations. Usually, these formal programs are part of a negotiated peace agreement. DDR programs have been a component of U.N. missions established in Sierra Leone (UNAMSIL, 1999), the Democratic Republic of Congo (MONUC, 1999), the U.N. Mission in Liberia (UNMIL, 2003), the U.N. Mission in Côte d'Ivoire (UNOCI, 2004), the U.N. Stabilization Mission in Haiti (MINUSTAH, 2004), the U.N. Operation in Burundi (UNOB, 2004), and the U.N. Mission in the Sudan (UNMIS, 2005). The United Nations also supports DDR efforts even where no formal missions have been established. Particularly, where there are significant numbers of opposition persons who are captured or arrested, an effective DDR-type program can be important for integrating them into the environment in a way that supports stability.

In the economic area, it is important to provide a means of livelihood to opposition individuals and groups if reconciliation is to be effective. It often is the case that higher-level opponents will regularly hire elements of the population to undertake military and other actions. Providing adequately paying jobs so opposition economic incentives are not particularly desirable is an important element of reconciliation.

Conclusion: The Need for Synergy

While the foregoing analysis is separated into four broadly focused areas, this is not an additive process—success will not automatically accrue simply by accomplishing the narrow objectives laid out in each of the four areas. Governance, security, economics, and reconciliation are intertwined in ways that cause outcomes to flow across all four areas simultaneously. Unless we fully understand the ways in which activities and decisions in one area influence, and are influenced by, those in the others, we run the risk of building programs that are internally inconsistent and fundamentally flawed. Alternatively, if we can develop an adequate understanding of the relationships between and among the areas, we can sequence and prioritize activities to optimize outcomes in a holistic and synergistic way. We offer the following as a first step in this process.

Governance emerges as affecting both security and economics. This is largely a consequence of the pivotal role played by the host nation political leadership in confronting irregular conflict. Resolving issues of who will wield political power within the host nation, and how, will affect directly the security and economic components of any irregular conflict strategy. Activities and programs in the security and economic sectors must be more than cognizant of the governance component in this context: they must be clearly integrated with it, so as not to undermine the process of building a functional and legitimate host-nation political partner.

As noted above, integrating military activities is also key. Establishing areas secure from organized violence on a military scale becomes the critical enabling step for subsequent strategies to control and resolve irregular conflict. Non-permissive environments impede and could physically prevent the implementation of stability operations in both governance and economics, and might impede or prevent progress in key areas of security sector reform, as well. The very existence of non-permissive areas within the host nation will undermine the legitimacy and functionality of host-nation partners at every level. Dealing with large-scale perpetrators of organized violence, an inherently military task, must therefore be an early and continuing priority for stability operations.

At the same time, military stakeholders must be cognizant of the impact that military operations could have on governance, economics, and the non-military aspects of security. Of particular note, operations that suppress organized violence but de-legitimize host nation political partners in the process could actually exacerbate the irregular conflict they are intended to counter. There is a difficult balance to be achieved where external military forces are primary players in the suppression of violence during early stages of an intervention. Violence does need to be suppressed, but the host nation governance structures also need to be legitimized. If outside forces do not have good partners in the host nation security forces (as likely will be the case, especially in the early days of an irregular conflict), it will be important to partner closely with some other elements of host nation governance if at all possible.

Local perceptions of the host nation police who deliver law enforcement services at the local level, and of the justice system that supports them, will have a significant impact on both the success of governance capacity building and on the efficacy of economic growth and recovery measures. Provision of host nation policing and justice services to local communities provides immediate and compelling evidence of government functionality and directly enhances the legitimacy of host nation government authorities. Provision of these services also plays a key role in enabling economic activities, facilitating the functioning of markets, securing private property, and protecting and regulating, as appropriate, exchanges of goods and services. For these reasons, capacity building and reform in the police and justice sector must be a part of the empowering of host nation political partners and underscores the value of creating secure (permissive) enclaves by intervening military forces.

In the economic sector, measures to generate employment and restore economic activity over the short term will be essential to success in both the political and security arenas. While these economic measures might lack the immediacy of the political and security elements, failure to address them in the early stages of intervention can undermine stability and contribute to a resumption of irregular conflict. Lack of immediate employment opportunities for former combatants could seriously undermine disarmament, demobilization, and reintegration (DDR) programs. High levels of unemployment could also negatively influence public perception of host nation government legitimacy and functionality.

Action to restore economic activity more broadly over the short term is also essential to governance and security. Effectively jump-starting the economy in the wake of irregular conflict provides immediate evidence that transitional and host nation administrations are addressing critical public needs. The resumption of economic activity on a large scale can also provide host nation tax revenues, which are essential to the restoration of government services.

Truly integrated strategies to address irregular conflict will require the development of integrated funding processes, authorities, and planning venues. These new mechanisms should facilitate sequencing and prioritizing of stability operations elements across different functional sectors and different agencies. Civilian stakeholders are especially in need of the new mechanisms, to support a civilian planning and implementation effort that is comparable to what is currently in place for military counterparts. Absent a robust civilian planning and implementation capability, strategies for dealing with irregular conflict will continue to be dominated by military partners.

The importance of a synergistic approach to irregular conflict cannot be overstated. In reality, however, such an approach is difficult to achieve and is often thwarted by highly "stovepiped" organizational structures. The Special Inspector General for Iraq Reconstruction has set forth in detail the problems created by deficient organizational structure in his recent analysis.[30] He has called for an "integrated management structure" and others have made similar points.[31] That conclusion seems exactly correct. The United States has recognized in the context of September 11 that organizational integration was necessary to be more effective in dealing with terrorism. In the context of irregular conflict, the general mantra is the importance of utilizing "all elements of national power"—but there is no organization that effectively brings those elements together. A good start would be to establish a joint task-force approach both in Washington and mirrored by a comparable organization in the field. That organization would include military, non-military security, governance, and economics. It could have a leadership structure that would report to the secretary of state and the secretary of defense on a dual track—or if the President preferred, to

the National Security Advisor. The critical element would be the need to establish synergistic unity of effort.

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An integrated strategy is critical to success in irregular conflict. It needs to develop realistic time-phased goals and a dynamic planning process that can adapt over time. It needs to build on a realistic assessment process and be supported with adequate resources. It needs to focus on developing the host nation as the end goal, and it needs synergistically to combine the military element with the civil elements of governance, non-military security, economics, and reconciliation.

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[1] The World Bank, *World Development Report 1997: The State in a Changing World* (New York: Oxford University Press, 1997), p. 3.

[2] Paul Collier, V. L. Elliot, Havard Hegre, Anke Hoeffler, Marta Reynal-Querol, and Nicholas Sambanis, *Breaking the Conflict Trap* (New York: Oxford University Press, 2003).

[3] Author's estimates based on USA and state data.

[4] See, for example, Robert M. Perito, "Afghanistan's Police: The Weak Link in Security Sector Reform," *U.S. Institute for Peace Special Report 228*, July 2009.

[5] Carl von Clausewitz, *On War*, Beatrice Heuser and Peter Paret (eds.) (New York: Oxford University Press, 2007 edition), p. 77.

[6] See Brinkerhoff, Chapter 2, *infra*, p. 32.

[7] The gray or shadow economy "consists of business activities that are not accounted for by official statistics. It includes (the…black market) and activities that are in themselves legal, but go unreported or under-reported for purposes of tax evasion." Source: *Beyond Economic Growth: An Introduction to Sustainable Development* (2nd Edition) (Washington, D.C.: The World Bank 2004).

[8] David Galula, *Counterinsurgency Warfare Theory and Practice* (Westport: Praegar Security International, 2006), p. 77.

[9] Richard McCall, Chapter 6, *infra*, p. 62.

[10] Richard McCall makes these points in Chapter 6, ibid.

[11] See, for example, sections on police training in *Rule of Law Strategic Action Plan and Assessment*, Embassy of the United States of America, Baghdad: U.S. Department of State, February, 2009, pp. 56-58.

[12] The G-8 has created a center for such police under Italian auspices.See Center for Excellence for Stability Police Units (http://coespu.carabinieri.it).

[13] James Dobbins, John G. McGinn, Keith Crane, Seth G. Jones, Rollie Lal, Andrew Rathmell, Rachel M. Swamger, and Anga M. Timilsina, *America's Role in Nation Building From Germany to Iraq* (Santa Monica: RAND, 2003), p.151.

[14] Here is an excerpt from the International Crisis Group's review of Bosnian courts in March 2002, some six years after international intervention: "The law does not yet rule in Bosnia & Herzegovina. What prevails instead are nationally defined politics, inconsistency in the application of law, corrupt and incompetent courts, a fragmented judicial space, half-baked or half-implemented reforms, and sheer negligence. Bosnia is, in short, a land where the respect for and confidence in the law and its defenders is weak." International Crisis Group, "Courting disaster: The Misrule of Law in Bosnia & Herzegovina," *ICG European Report* No. 127, 25 March 2002, p. i.

[15] See Thomas Barfield, Neamat Nojumi, and J. Alexander Their, *The Clash of Two Goods: State and Non-state Dispute Resolution in Afghanistan*, United States Institute of Peace, November 2006, available at http://www.usip.org/programs/projects/relations-between-state-and-non-state-justice-systems-afghanistan (accessed 25 August 2009)

[16] In Bosnia, of the nine judges of the Constitutional Court, three were appointed by the European Court of Justice.

[17] Precisely that objection was raised in Bosnia. See Hon. Bernard E. Boland, "The State Court of Bosnia & Herzegovina: Justice and Prosperity in Conflict," *Paper presented at the annual meeting of the International Studies Association, Town & Country Resort and Convention Center, San Diego, California, USA*, March 22, 2006. ("Bosnian judges and lawyers weren't universally pleased to accept either international judges or international legal principles. Essentially, 'legal colonialism' wouldn't be too strong a term to describe the way they characterized legal reforms suggested by international advisors.")

[18] However established, it would be quite valuable for such judges to be fluent in the language of the host country—the inability to understand nuance would reduce the fairness of the process, and the inability to communicate would reduce the court's legitimacy. It may not be possible always to meet the language requirement and still get high quality judges, but it is desirable even if not absolute.

[19] Rachel Blum and Jerome LeBleu, Chapter 16 (*infra*), p. 152.

[20] For two very thoughtful analyses of reconciliation in the context of Afghanistan, with recommendations for pursuing reconciliation goals, see Fotini Christia and Michael Semple, "Flipping the Taliban: How to Win in Afghanistan," *Foreign Affairs* (July/August 2009), and Mohammad Masoom Stanekzai, "Thwarting Afghanistan's Insurgency: A Pragmatic Approach toward Peace and Reconciliation," *U.S. Institute for Peace Special Report 212*, September 2008. While their approaches are not completely consistent, in combination they provide an excellent guide to the approaches, issues and constraints involved in reconciliation.

[21] "In order for reconciliation to work… the Taliban must be reminded that they have no prospect of winning their current military campaign," Christia and Semple, *op. cit.*, p. 39; "…significant progress must be made on the security front," Stanekzai, *op. cit.*, p. 15.

[22] "Another important element of a reconciliation strategy will be to recognize the specific needs of each group," Christia and Semple, *op. cit.*, p. 41

[23] See Stanekzai, *op. cit.*, pp. 12-13, which discuss approaches at national, community and individual levels; the concept of multiple approaches runs throughout the analysis by Christia and Semple, *op. cit.*

[24] "A well-organized reconciliation program would thus have to offer substitutes for all these benefits: comradeship, security, a livelihood, and respectability," Christia and Semple, *op. cit.*, p. 41.

[25] See Christia and Semple, *op. cit.*, p. 39, noting the necessity even in the context of reconciliation for military action to kill or capture those insurgents who are unwilling to reconcile; see also Michael O'Hanlon, "Toward Reconciliation in Afghanistan," *The Washington Quarterly* (April 2009), pp. 144-145.

[26] It is useful to compare Stanekzai, who states that "All reconciliation initiatives must be led by Afghan government mechanisms and institutions" (*op. cit.*, p. 14) with Christia and Semple, who describe a larger role for the United States as well as outside parties; the experience of the United States with the Sons of Iraq suggests that the host nation may not always be in the best position to lead.

[27] See Stanekzai, *op. cit.*, p. 14, discussing a "senior focal point" to coordinate reconciliation efforts.

[28] Ibid., pp. 14-16.

[29] Ibid., p. 13 on renunciation of violence.

[30] *Hard Lessons: The Iraq Reconstruction Experience*, Office of the Special Inspector General for Iraq Reconstruction, Washington, D.C.: U.S. Government Printing Office, 2009.

[31] Ibid. p. 334.

SECTION ONE:

GOVERNANCE AND IRREGULAR CONFLICT

INTRODUCTION TO SECTION ONE
REBUILDING GOVERNANCE IN RESPONSE TO IRREGULAR CONFLICT

By Susan Merrill, PKSOI

"Nothing is harder to manage, more risky in the undertaking, or more doubtful of success than to set up as the introducer of a new order…."[1]

The following introduction provides a short synopsis of discussions at the Governance Workshop on October 28, 2008, and of discussions concerning that topic at the subsequent conference on *Building Capacity in Stability Operations* held on April 6, 2009. Following the introduction, Chapters 2 through 6 reproduce papers submitted in support of the workshop and wonference, which furnished the basis for the discussions of governance as a component of operations to deal with irregular conflict. Discussions at both the workshop and the conference established a consensus that the restoration of a legitimate, effective and stable host-nation government with the resilience to resist external shocks should be an overarching goal of operations in irregular conflict. The host-nation government in this context should be able to:

- **Respond to its citizens**, submitting to the will of the people, especially when people vote to change their government;
- **Exercise effective sovereignty**, maintaining order within its own borders, protecting independent and impartial systems of justice, punishing crime, embracing the rule of law, and resisting corruption; and
- **Limit the reach of government**, protecting the institutions of civil society, including the family, religious communities, and voluntary associations.

The workshop concluded, and the conference confirmed that arbitration and mediation of political power should be pursued from the earliest phases of the conflict. A political consensus must be established as soon as possible, focused on rebuilding the social contract that is at the heart of governance. Ultimately, this must necessarily be a host-government solution.

One of the central issues emerging from discussions at both events was the relationship between security and governance. Prevailing wisdom is that security is a pre-cursor to any progress on rebuilding nation-states. The reality is that political consensus might be necessary to achieve a sustainable transition from a non-permissive to a permissive environment. Paul Collier has noted that countries emerging from civil conflict face a 44% risk of returning to conflict within five years.[2] The principal reason for the resurgence of violence is that the same factors generating the initial conflict—warring ethnic factions with grievances, allocation of resources among political elites, exclusion of marginalized groups, and unequal distribution of wealth—are still present. Where underlying political issues are not addressed in the early stages of an intervention, security is likely to remain a continuing problem.

Rebuilding governance in transitioning states requires a determination of the state model to be employed. In this context, governance planners must address the sequencing and prioritization of national, provincial, and local government rebuilding efforts. Strengthening government at each of these levels presents unique characteristics and challenges, including establishing the degree

of centralization or decentralization of political power, and identifying stakeholders and key actors in the national, provincial, and local political processes.

Meeting citizen expectations in the midst of hostility and without functioning institutions defines the challenges facing the restoration of government legitimacy at the local level. Success in rebuilding governance in this context requires a host government-centric approach. Transition to local autonomy and authority should be a mutually agreed upon end-state between the peacekeeping forces and the host government at all levels.

Discussions addressed the issue of how the international community undertakes pre-emptive nation-state building to forestall state failure. Pakistan, currently suffering a massive economic crisis, with 150 or more nuclear weapons, an unstable government, and rampant corruption and transnational crime, was cited as an example of the urgent need to address this issue. Participants concluded that long-term governance capacity building combined with assistance in addressing legitimate security concerns would be required to respond effectively in a pre-emptive context.

Whether a sovereign nation-state is the answer for all countries emerged as a key question in governance discussions. With many countries having large ungoverned spaces, there could be opportunities for alternative forms of governance and sovereignty. Given the long gestation period necessary to the emergence of a stable nation-state, the international community might want to explore some form of trusteeship arrangements along the lines of Kosovo.

Ultimately, the conference addressed the issue of the role of the military in re-establishing governance. Although military forces play an important role in carving out a secure space for the implementation of stabilization and reconstruction, success in this endeavor requires a coherent strategic vision at the leadership level. It also will require an expanded civilian expeditionary capability to complement the military effort, encompassing all elements of national power.

The subsequent chapters explore each of these areas in greater detail. Derick Brinkerhoff explores the role of governance in transition from stabilization to reconstruction in fragile and post-conflict states. Continuing the exploration of transition, Karen Guttieri examines the role of interim governments in the transition process, and offers an analysis of different approaches in establishing and administering transitional governing institutions and processes. Karin von Hippel addresses the balance between centralized and decentralized governance, and presents several alternatives for sequencing and prioritizing governance capacity building across different levels of governance. Complementing Ms. von Hippel’s chapter is Richard Megahan’s case study of governance capacity-building at the local level, drawn from his personal experiences as the senior U.S. military advisor in Diyala Province, Iraq, in 2007 and 2008. Richard McCall concludes the section by examining the intersection between governance, peacekeeping, and peace-building in conflict and post-conflict countries.

Chapter 2
Building Resilience in Fragile States: The Role of Governance

By Derick W. Brinkerhoff
Distinguished Fellow in International Public Management
RTI International

Peacekeepers involved in stability operations in fragile, post-conflict states recognize that the transition from stabilization to reconstruction to lay the foundation for sustainable development requires attention to how the state fulfills key governance functions. Rebuilding state capacity to perform calls for institution-building in the three branches of government: executive, legislative, and judiciary. But the state cannot manage a nation's affairs alone. It needs the support, engagement, and contribution of citizens, so rebuilding capacity includes the ability for government and citizens to connect and interact. The term governance, which is broader than just government, is used to characterize these state-society interactions. It refers to the processes and rules through which state and non-state actors in a society wield power and authority, and how they influence and enact policies and decisions concerning public affairs and socio-economic development. This short paper offers some thoughts on the role of governance in stability operations for presentation at a workshop jointly sponsored by CNA and the Peacekeeping and Stability Operations Institute of the U.S. Army War College. This topic has a huge literature, and the selective remarks offered here only scratch the surface of the breadth and complexity involved, drawing largely on the author's previous work.

The Essential Tasks Matrix of the State Department's Office of the Coordinator for Reconstruction and Stabilization treats restoring governance as one category of stability operations tasks, among several. However, the perspective of this paper is that governance constitutes an integrative set of tasks, which crosscuts all elements of stability operations. Thus, the underlying transition problem in post-conflict situations is re-establishing positive links between the state and its citizens.

The Organisation for Economic Development and Co-operation's Development Assistance Committee (OECD/DAC) has explored state-society linkages in detail to explain why some states are fragile and others are stable. The concept, which is at the core of these linkages, is a "social contract" between the state and its citizens. This contract is a product of three interacting components (OECD/DAC 2008, 17):

- **Expectations** that citizens have of the state.
- **State capacity** to provide services within a secure environment, and to obtain sufficient resources from its population and territory to provide these services.
- **Political will** to direct resources and capacity to meet citizens' expectations.

When these three components are in balance—that is, when citizens' expectations match up with state capacity and political will—then the state exhibits resilience. Resilience leads to stability, but not in the static sense of a balance that never changes. Rather, resilience enables the state to adjust to new and different expectations, shifts in capacity, changes in external conditions, and changes in political will.

State Fragility and Governance

In any society, the governance system fulfills a set of core functions: ensuring security, achieving effectiveness, and generating legitimacy. States vary in terms of how well or how poorly their governance systems combine state and citizen interaction to fulfill these functions. In fragile states, the interaction patterns are largely negative. The state, captured by elites, preys upon its citizens, and maintains power through a combination of patronage and repression. Citizens distrust and fear the state, and hold low expectations that government has the ability, or the desire, to meet their needs. Fragile states face deficits in fulfilling all three of the core functions (Brinkerhoff 2007b):

- **Security:** Failure to protect people and property. Clearly, a high priority in fragile and post-conflict societies is coping with the lack of safety and security. Without security, the other governance functions cannot be fulfilled. Re-establishing security requires dealing with the police, military and paramilitary units, and private militias through a mix of rebuilding, professionalizing, reforming, and dissolving. This governance function links closely to reconstituting legitimacy.
- **Effectiveness:** Failure to provide basic services and economic opportunity. The inability of fragile and post-conflict states to provide fundamental public goods and services has an impact on both the immediate prospects for tending to citizens' basic needs and restarting economic activity, and long-term prospects for ensuring welfare, reducing poverty, and facilitating socio-economic growth.
- **Legitimacy:** Failure to provide responsive and accountable government, protection of basic rights, representation and inclusiveness for all citizens. Reconstituting legitimacy in post-conflict states involves expanding participation and inclusiveness, reducing inequities, creating accountability, combating corruption, and introducing contestability (elections). Delivering services, which links to the effectiveness function, is also important for establishing legitimacy. It demonstrates government willingness and capacity to respond to citizens' needs and demands.

Rebuilding governance, then, concerns restoring—or in many fragile, post-conflict states creating from scratch—a governance system that can fulfill these three core functions in ways that meet citizens' expectations. How a stability operations mission undertakes assistance with these functions is important. For example, if citizens perceive that it was external parties such as donors, humanitarian agencies, or military forces that achieved the restoration and that host-country government actors were not involved, then the state has missed an opportunity to gain legitimacy, and the stability objectives may be at risk.

Good Governance

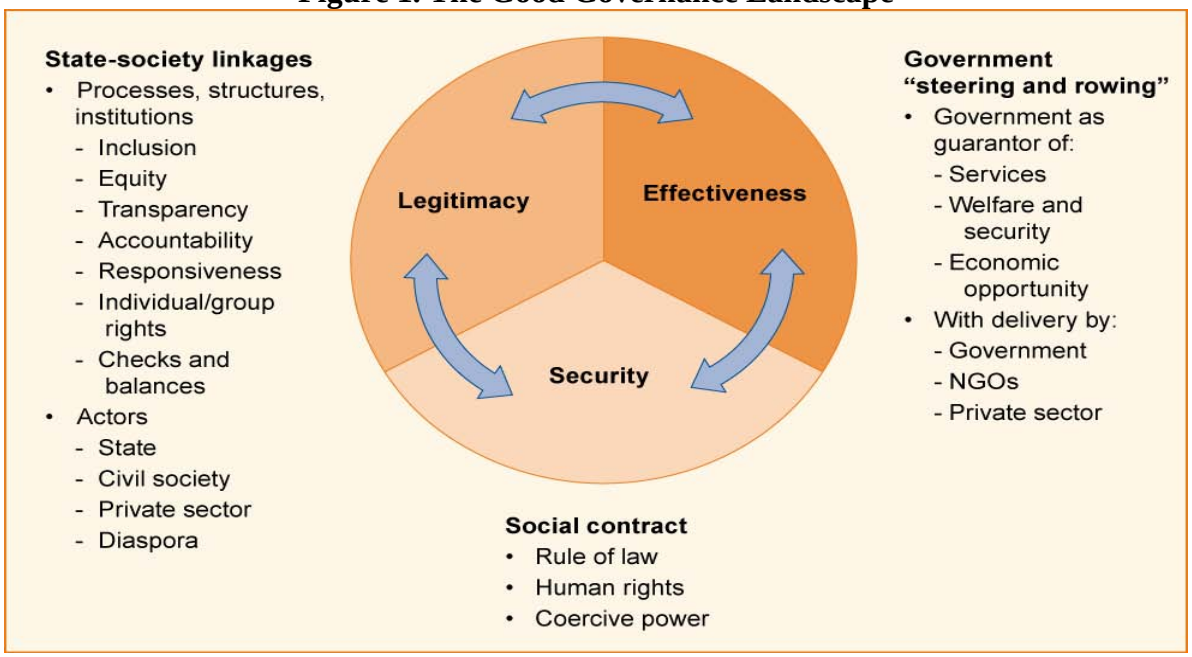
International donor intervention to reform governance combines a relatively standard agenda that multilateral and bilateral agencies have been supporting throughout the developing world for several decades (Brinkerhoff 2008b). This agenda combines the following:

- **Improving administrative efficiency** through management reforms.

- **Streamlining the role of government**, reducing its involvement in direct service delivery and getting it to focus on policy, financing, and regulation (that is, getting government to do less "rowing" and more "steering").
- **Increasing government responsiveness to citizens** (transparency, accountability, democratic elections).

However, putting these good governance reforms in place has proven to be an ambitious undertaking for any developing country, much less for fragile, post-conflict states with damaged or destroyed institutions, ravaged economies, and impoverished and traumatized citizens. Faced with a long menu of governance reforms, many developing countries have had difficulty ingesting the full, high-calorie "meal." The menu characterizes the ultimate end conditions of a resilient state that peacekeepers are aiming for (see, for example, U.S. Department of the Army 2008), but how to get there is the fundamental governance issue for stability operations. Figure 1 illustrates the elements of the good governance agenda arrayed according to their associations with the three governance functions of security, effectiveness, and legitimacy.

Figure 1. The Good Governance Landscape



Merilee S. Grindle (2007) has argued that what is needed is a reframing of the good governance agenda to focus on "good enough governance." She contends that governance reforms in developing countries should aim not for a comprehensive idealized vision of good governance, but for a selected set of changes that are good enough to create critical improvements in political and administrative systems and in state-society relations. They should be pursued in ways that fit country contexts.

Among the questions to be answered in pursuit of good enough governance is the relative merits of decentralization versus centralized systems. Centralized governance regimes in fragile and weak states generally do poorly at equitable and inclusive resource allocation and redistribution, having a negative impact on service delivery, economic opportunity, welfare, and ultimately legitimacy, as well. Distributive mechanisms tend to operate based on patronage and clientelism, promoting economic inefficiency and heightening social and ethnic tensions. These can be exploited by those in power, both at the national level, as in Saddam Hussein's Iraq, or at the local level, as in Afghanistan. Yet, state capacity at sub-national levels is often critically weak as well, and constitutes a shaky platform for governance improvement.

Striking the right balance between attention to both local- and central-level governance is not simple. As noted, capacity and incentives for decentralization among national-level actors may be weak, at best, particularly in fragile states. These gaps can lead donors to pursue bypass strategies that rely upon external resources and capacity, which are unsustainable in the longer term. Thus, how to develop indigenous capacity will be critical to both an exit strategy for peacekeepers, as well as to the government and citizens of the host country.

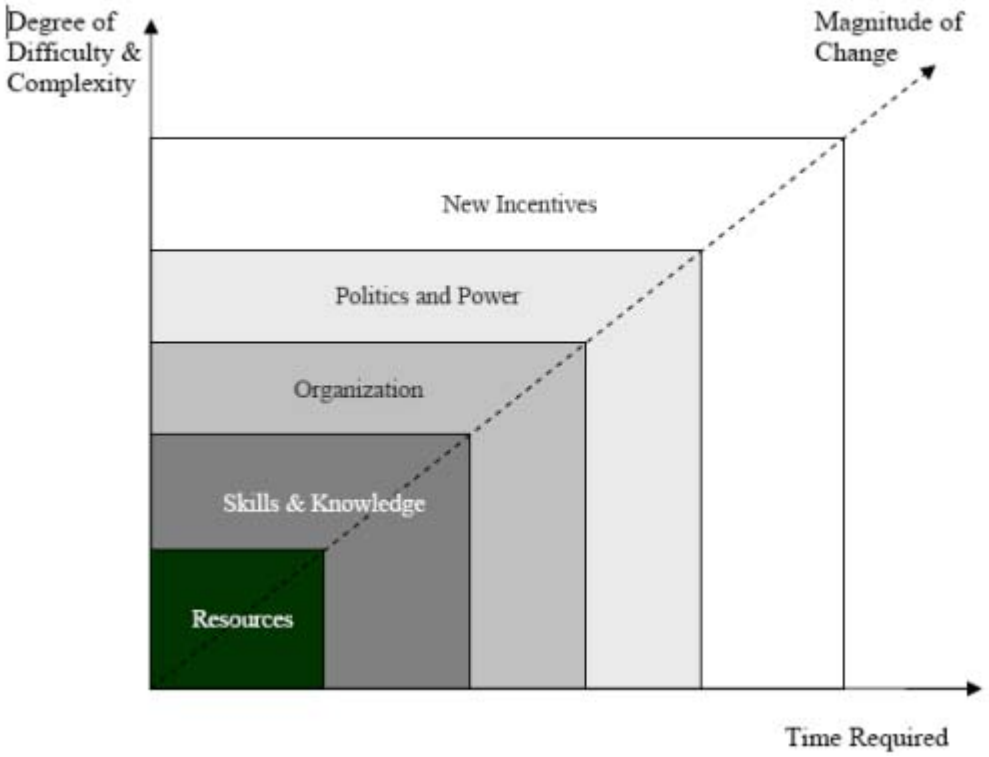
Capacity Development

How can peacekeepers enhance the resilience, accountability, and capability of government and civil society? This is in essence a capacity-development question. Capacity is often thought of in terms of resources (who has what) and of skills and knowledge (who knows what), so capacity development becomes a question of providing resources (financial, equipment, supplies, and staff) and building knowledge and skills (training, technical assistance). But capacity is also embodied in organization (who can manage what), politics and power (who can get what), and incentives (who wants to do what). So an expanded view of capacity development looks at these elements as well (Brinkerhoff 2007a). Here are some examples of capacity-development interventions in the categories of organizations, politics and power, and incentives:

- **Organization:** Management systems development, civil service reform, decentralization.
- **Politics and power:** Community empowerment, civil society strengthening, political party development.
- **Incentives:** Pro-poor social safety nets, strengthened accountability structures and procedures, rule of law reforms.

Not all capacity development interventions are equally easy to accomplish, and they often involve trade-offs. Three intersecting dimensions are the main sources of these trade-offs: 1) the time required to achieve an increase in capacity, 2) the degree of difficulty and complexity associated with developing capacity, and 3) the magnitude of the change involved in the capacity development intervention. Combining these three dimensions with the elements of capacity noted above provides a model for intervention that illustrates targeting options, their implications for each of the dimensions, and their interactions. The following figure, from Brinkerhoff (2007a, 13) illustrates this model.

Figure 2. Capacity Development Model



These targets are distinguished in the figure to highlight their relationship to time requirements, difficulty/complexity, and magnitude of change. The figure should not be interpreted as suggesting that they are uniformly discrete, or sequentially additive. Capacity development most often addresses multiple targets, though the starting point and emphasis is usually one of the five designated targets:

- **Moving along the horizontal axis** graphically shows how the time requirements for capacity development increase as interventions move from a relative emphasis on resource transfers to addressing features in the enabling environment encapsulated in politics and power shifts, and finally to new incentives.
- **Ascending the vertical axis** explains how capacity development becomes more difficult and complex as interventions expand in scope and call for actions among multiple parties

that penetrate increasingly deeply into the bureaucratic, political, socio-cultural, and economic fabric of society.

- **Moving up the diagonal from left to right** indicates how combining all of the targets involves a progressively greater magnitude of change that requires more time to accomplish and is increasingly difficult the farther up and to the right the intervention reaches.

What Can Peacekeepers Do?

A variety of templates and tools have been developed for post-conflict intervention. The S/CRS Essential Task Matrix is a useful starting point for the discussion, despite the criticism leveled at it by some as too much of a blueprint. Clearly, context matters significantly. That includes a given country's historical legacy, indigenous institutions, culture and values. For many post-conflict situations, context is also set by the peace agreement, which often establishes key features of governance restoration: e.g., power-sharing among interest groups, timetables for elections, and division of resources (e.g., El Salvador). So setting priorities according to characteristics of the context is important: looking at, for example, peace accords, conflict drivers, levels of existing capacity, key capacity gaps, and degree of political will.

Pace and sequencing issues for governance reforms are the subject of continued debate, although consensus exists that demilitarization and restoration of the state's capacity to fulfill the security function is a primary step on the path to peace (e.g., Jeong 2005). Without safety and security, stability operations cannot make progress toward reconstruction. One area of debate has to do with timing for elections. Some analysts argue for early elections in post-conflict settings, partly on the basis that citizens expect them. Others, for example Paris (2004), have argued for democratic governance institution-building first, with postponed elections.

It is critical to recognize the links among security, effectiveness, and legitimacy. Peacekeepers should balance the urge to pursue a "do it yourself" strategy for restoring services and recognize that new, post-conflict governments need to build their legitimacy in citizens' eyes through providing services and demonstrating leadership. The utilization of stability operations resources should contribute as much as possible to establishing good governance practices and building government capacity. For example, U.S. Army peacekeepers should avoid simply allocating CERP funds in response to what seems to be a worthwhile community request without establishing a transparent process, and connecting that process to a government entity, e.g., a ministry office, a municipal government, or a provincial parliament.

Here are some lessons learned from an analysis of local governance reconstruction in Iraq that offer additional food for thought on what peacekeepers can do to restore governance as part of stability operations (Brinkerhoff 2008a):

- **Build on local capacity** and engage local actors in governance reconstruction.
- **Foster accountability** and transparency to reduce corruption and build citizen support.
- **Build new, positive relationships** between citizens and public officials around key service delivery issues.
- **Pay attention to building legitimacy** when introducing new governance structures.

- **Recognize that governance transformation** is a long-term process that will extend beyond a given stability operation.

Conclusion

Intervening in the dynamics of fragile, post-conflict nations requires a solid understanding of both the general lessons of experience in nation- and state-building, and of the situation-specific context of the particular country where peacekeepers are engaged in a stability operation. The appropriate path to restored (or newly created) governance and the achievement of societal resilience must take into account factors that are largely outside the control of peacekeeping missions: a) the legacy of societal conflict and cleavages, b) the country's indigenous institutions, and c) the existing capacity and willingness of state and non-state actors to cooperate and contribute to rebuilding their nation-state. Successfully navigating the governance landscape that these initial conditions shape will guide peacekeepers to pockets of capacity and political will. These become the starting points for planning and action to restore governance that can:

- Ensure basic safety and security.
- Provide priority services effectively and transition from a war to a peace economy.
- Create social and institutional arrangements that lead to inclusion, transparency, and representation of citizen interests.

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Chapter 3
Interim Governments in Theory and Practice After Protracted Conflict

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International statesmen and scholars have for some years now focused on a domestic political question: who rules when the fighting stops? The mechanics of authority transitions—ostensibly an internal sovereign concern—have become an international preoccupation. Practitioners from outside war-torn societies broker constitutional arrangements, provide military and police to sustain order and enforce laws, and fashion aid programs in order to move transitions forward. These practitioners by and large operate according to a state-centric paradigm, even while violating its rules.

State-builders patch sub-state ruptures in order to sustain the larger structure—a system of relations among states based upon sovereign equality and non-intervention. In the transition from one form of rule to another, interim or temporary governance structures—sometimes several iterations of them—are formed.[1]

This chapter defines interim government, its functions and forms, and identifies some dilemmas for contemporary state-builders.

Defining Interim Government

Interim government could be broadly defined as an organization that rules during the period between the fall of a prior regime and the initiation of the next—the transition period. If it is temporary, how does one know when it is over? For those interested in democratization, the marker might be the assumption of power of a freely elected government.[2] State-building sets a different marker: when a new or reconstituted, permanent domestic government is able to wield *effective internal sovereignty*—including resumption of law and order functions of governance.[3] Sovereignty is internal with respect to its citizens; it is external with respect to representation before the international community. It is persistent and non-transferable, according to international law, even in the presence of military occupation. The exercise of effective internal sovereignty by a permanent domestic government requires that the transition settle a social process: the collective determination of the right to rule, also called the determination of legitimacy.

Other actors in the system might be in interested in the outcome of regime change because it identifies a point of contact for international relations, as well as the authorities obliged to control affairs within those borders. For members of a polity in transition, the determination of a new political order is much weightier than the identification of authorities to obey. It involves a leap of faith in processes in place to articulate and represent interests. Although legitimacy is commonly conceived in vertical terms of authority relations, legitimacy is also horizontal—a shared sense of right governance among the communities that make up the polity.[4] In the shadow of its former state, the new order must recognize the legacy of the old—its residual legitimacy, laws still on the books, and habits of obedience still practiced by its people. Any effort to construct a new order must do more than secure external recognition; it must provide a

normative foundation for new habits. Despite the legacy effects of the old order and the uncertainty of a change, new normative structure is possible.

As the political theorist Charles Taylor explains, we employ a *social imaginary* to enable, and perhaps codify, the moral or normative order:

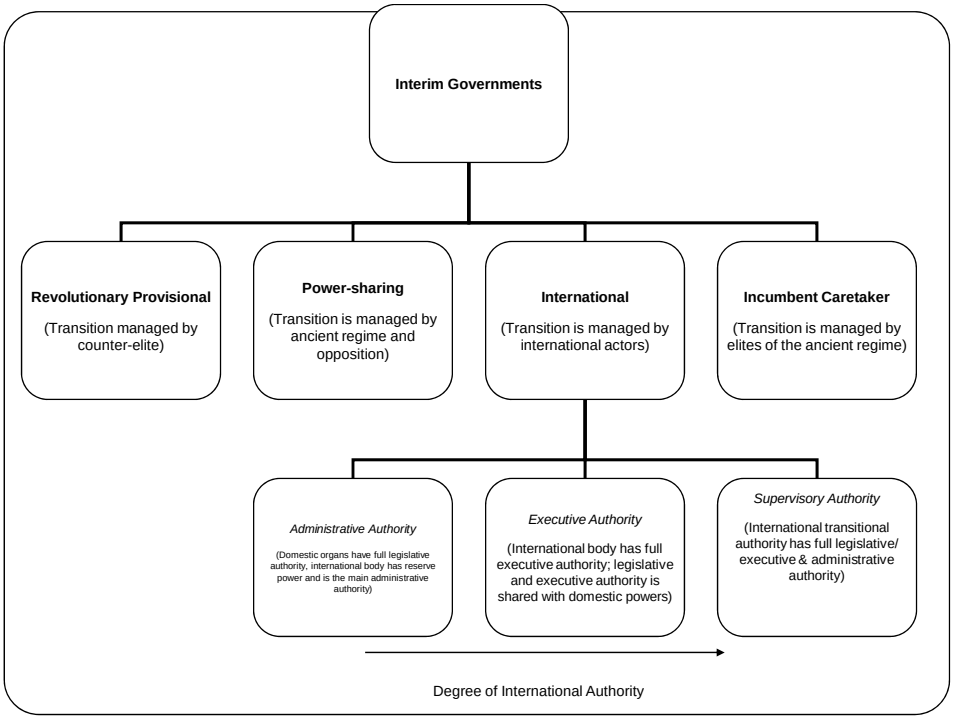
> …the modern theory of moral order gradually infiltrates and transforms our social imaginary. In this process, what is originally just an idealization grows into a complex imaginary through being taken up and associated with social practices, in part traditional ones, which are often transformed by the contact.

Transitional Forms

The shape and form of interim government is highly dependent on the nature and scope of the conflicts initiating all of this change. In earlier waves of transition studies, these conflicts were about authoritarian transitions from civilian to military rule (El Salvador, Indonesia, and Guatemala) or economic-ideological transitions from communist rule. Some of the conflicts have been very bloody, stemming from independence movements (as in East Timor and Kosovo); irredentism (Bosnia); or competition for control of the state by internal factions (Afghanistan, Iraq). The requirements for transitional governance vary, as Michael Doyle observes, with the environments in which they operate, and the number of factions within them, the coherence of those factions, and their hostility to one another.[5]

Interim governments might be fashioned together from remnants of an old regime (as in Indonesia), created new by a revolutionary victor (Afghanistan), forged as a pact by competing factions (Burundi, DRC), or superimposed by outside authorities (Iraq). Each of these forms carries its own promises and perils with respect to the viability and longevity of peace and the determination of legitimacy or consent of the governed. The first wave of scholars identified four basic forms of interim governments, some of which include little role for outside actors. As the role of outside actors increased, scholars began to differentiate the international genre of interim governance. These relations are depicted in a typology prepared in a comparative study led by myself and Jessica Piombo, and published in the 2008 volume, *Interim Governments* as follows:

A Typology of Interim Government[6]



Revolutionary regimes enjoy popularity, but have little connectivity to established structures and a tendency to turn violent as agendas compete and scores are settled. Caretaker regimes tend to be legalistic rather than democratic and, because they depend upon the good will of the former regime, favor amnesty over transitional justice. Power-sharing regimes depend upon pacts, sometimes among thugs, and the power basis of these may shift. International structures may confer external legitimacy but suffer internal deficits, as they are hard-pressed to manage internal rivals claiming a right to rule. The international community is slow to intervene and cumbersome to organize when it does, creating, as initially in Bosnia, an awkward administrative structure divided along civilian and military lines of operations. In Kosovo, the authority structure was more stable, but created a long-term dependency.

Dilemmas of Interim Government

The empirical world has yielded a significant number and variety of interim regimes for study. Reviewing a dozen recent cases of transitional governance yielded a number of insights about the prospects and perils of interim governance in the effort to establish peace and democracy.[7] Of these, the most striking theme is the persistence of power. As the earliest group of transition scholars noted, those governments with the best records are the ones that were designed and driven more by internal than external powers.

Groups that were powerful at the end of the conflict phase tend to be the ones that remain powerful, with the possible exception of transitions by foreign invasion.[8] Structural factors, such as economic or socio-cultural divisions that lead to disaffection between citizens and elites, are unlikely to be cured by the act of voting.[9] Transition processes tend to entrench in power those

individuals and factions who have the ability to derail a peace process by taking up arms, and so possess "veto power."

Power-sharing approaches have been favored by the international community in part because they are local solutions, less costly, and likely to ensure peace in the short run, since they bring the relevant parties to the table. Power-sharing is also a risky approach and, as a compromise, unlikely to represent progress.[10] This is a pernicious possibility in a highly indigenous structure: the prospect that those more interested in personal power than long-term stability will manipulate negotiations and power-sharing agreements to strengthen their ability to wage war. When peace agreements and a transitional government are initiated before peace is secured, combatants are able to stay outside the transitional process at will.

If change is needed, an international administrative authority might create a shock to the system.[11] However, even in cases in which deep changes were sought by international actors, those changes fell short. The United Nations Transitional Authority (UNTAC) in Cambodia provided a large commitment of troops and time. However, UNTAC's efforts to preserve functioning state institutions gave an advantage to the incumbent, Hun Sen, a despotic dictator. In Afghanistan, an international coalition working together with local insurgents overthrew the Taliban regime that had held the nation in a reactionary ideological grip and openly supported terrorist groups. Whether due to an inadequate resolution on the ground, crafty negotiations by warlords in the *loya jirga* constitutional process, or both, economic and other progress is scarce and instability threatens.

Fully internationalized governments have difficulty extending powers, achieving capacity and transparency, and are ill-suited to address disconnects between the elite and population. Regional neighbors also frequently influence the interim government. The consequence is often more disconnected in already divided societies. A study in Afghanistan by Tufts University found that the outsiders and insiders differed considerably in their comprehension of security in this environment. While formally the transitional political process was inclusive, it did not reach out to the everyday lives of the people. "The extent of disenfranchisement," Antonio Donini observes, "is proportional to the distance—geographical, cultural, or political—from the capital."[12] It is ideal to conduct an early transfer of executive authority, with step-by-step reductions in scope for a peacekeeping mission. Economic control may be slower to regain than political control.

International scholarship and practice in general is disposed to focus on negotiations with elite power-sharing and division of spoils. The options are much more varied in practice than whether an international, caretaker or power-sharing government might bridge a gap in rule. In plural societies, a wide range of options is available to channel conflict so that groups can co-exist without being assimilated by one another. A proportional representation system of election, for example, by including representative numbers of interest groups, can ensure that these voices are heard.[13] When these approaches are taken, care and attention to party structure and development is also vital. Similarly, divided and federal government structures are other ways to create checks on power and build manageable governance units. The dilemma for transitional governments is to navigate existing powers that may be across the minefield of short-term interests, to a structure which will create the best footing for effective governance, and the horizontal and vertical legitimacy of a permanent domestic government.

Conclusion

It is ultimately in the enlightened self-interest of the international community to pay attention to who rules when the fighting stops, and how that question is settled. Without the mechanism to include all political actors, there is little hope for a stable peace, so the governance structure must be participatory and reflect progress toward a democratic state. Insurgents aim to change the status quo. When those factions have a stake in the political order, the prospects that they will put down their arms will improve.

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Chapter 4
Centralized and Decentralized Governance Options After Protracted Conflict

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One major challenge for the international community when involved in rebuilding states after conflict is whether and how to support "top-down" or "bottom up" approaches to governance. This paper is organized in three parts: first, it outlines the risks and opportunities of the different approaches and briefly discusses the Afghanistan experience, second, it provides a lengthier analysis of past attempts at political reconstruction in Somalia, and third, it concludes with a summary of critical issues to consider.

Competing Approaches

After lengthy civil wars, signatories to the peace typically opt for some sort of power-sharing arrangements within a range of centralized to decentralized models of government. In the best circumstances, traditional political culture and organization are taken into account in designing new models, and civil society leaders from across the country are fully engaged in the consensual reconstruction of their state. The preferred options are constitutional arrangements that have arisen from local initiatives, or that confer considerable powers on local institutions and peoples.

In the worst case, those directly responsible for the conflict carve up the pie within a winner-take-all, unitary form of government. Local customs and decentralized practices are ignored or overlooked in favor of more centralized models, which are easier to control, even if these may have contributed to the implosion of the state in the first place. Faction leaders aggressively compete for top posts, especially the jobs of president, prime minister, minister of defense, and minister of finance.

- **Why top-down?**
  If the centralized model is chosen, this can be due to reasons of expediency and worries that the ceasefire might not hold. It could also be the preferred option because of the deep societal fissures caused by years of civil war, and the paramount concern that, if not checked, centrifugal forces could contribute to complete state disintegration, with Somalia being the ultimate exemplar. If the new government has been democratically elected, donors would also want to help the nascent (and usually weak) central authority establish its legitimacy throughout the country so as to tackle the critical challenges involved in rebuilding trust and capacity. Most donors are required to work directly through national government offices because of their own conditionality factors.

  For example, the World Bank has generally been restricted by its articles of agreement to working only with recognized governments, with a few exceptions to this rule. In the absence of a peace settlement, or during a protracted conflict when sovereignty is contested, the Bank has sidestepped this rule on occasion, notably in West Bank and Gaza, and in Kosovo and East Timor before independence. When there is no central authority, as in Somalia, the Bank can provide some aid at local levels, usually through trust fund mechanisms, at the request of the international community (typically the United Nations). In this latter case, the funding would not likely be significant, as arrears

would need to be cleared before larger lending programs were under way. Other multilateral organizations, including the United Nations and the European Union, as well as bilateral donors, such as the United Kingdom and the United States, have developed more flexible funding mechanisms to work in conflict zones.

- **What are the risks?**
  The threat of an over-centralized approach is that it could destabilize and undermine functioning local authorities, which may have been the only trusted structures that provided security or delivered services throughout the conflict. Aid delivered only through the center also tends to empower the elites, while marginalizing rural communities, minorities and opposition parties. This is especially problematic in deeply divided societies, where capturing the capital city means capturing the spoils, and is seen as a zero-sum game.

- **And bottom-up?**
  As noted, decentralized political models could be the best option for rebuilding trust in deeply divided societies, as in post-war Bosnia. During negotiations over peace settlements, ordinary citizens and civil society leaders are keen to avoid another overly powerful central government. They argue that the only way to ensure that another dictator does not usurp power at the center is to decentralize as many aspects of government as possible.

  There are four main models of decentralized government. The first is a confederation, which is an association of independent sovereign units that agree to join together for certain purposes and to create common institutions to manage their common affairs, such as the European Union or the American states at the time of the Articles of Confederation in 1781.

  The second is a federation, an association of states that agree to form a union under a federal government, while retaining full control over their own internal affairs. There are several different ways in which sovereignty can be divided between the centre and the regions or provinces, but the most usual is for the federating units to agree to a triple list of powers: those to be exercised exclusively by the center; those to be exercised exclusively by the regions or provinces; and a concurrent list of powers that can be exercised by both the center and the regions. Examples include Australia, Austria, Canada, Germany, India, Switzerland, and the United States.

  The third model is a decentralized unitary state with guarantees of regional autonomy. Here, sovereign power and authority are vested in the central government, but the center devolves many of the functions of government to regional and/or local authorities due to particular demands by minorities or regions. Examples of this include Spain, Papua New Guinea or Uganda.

  Finally, the fourth model is a community-based option called consociation. This involves non-territorial power-sharing among all-important communities within a state (e.g., component ethnic groups, clans, etc.). Unlike the other forms of decentralized government, consociational principles do not require the state to be divided territorially into separate local units. Consociational governments normally have four key features: executive power-sharing; the principle of proportional representation in all public institutions and allocations;

community self-government; and veto powers for minorities. Consociational practices can be applied within the other models, and are usually tried in multi-ethnic states. They were invented by Dutch politicians in 1917 and operated there until the 1960s; used in Lebanon between 1943 and 1975; in Malaysia between 1955 and 1969; Fiji on and off between 1970 and 1987; in Northern Ireland briefly in 1974; and in South Africa, after apartheid.[1] It might be that still other arrangements of power-sharing between the center and the periphery will need to be developed to deal with the complexities involved in many current and future cases, but generally these are the models on offer.

- **The risks?**
  Even if there is a peace settlement, donors often choose to work at the local levels in order to circumvent a number of critical concerns, such as corruption and kleptocracy, or to achieve key goals, such as moving beyond the elites and into neglected rural areas, strengthening civil society, and ensuring that minorities and other excluded groups also benefit from democratization efforts. Yet if not undertaken carefully, normally with some knowledge and cooperation of the central or regional or even locally elected authorities, such support can risk undermining the national government, as it empowers others at the expense of elected authorities.

- **A consistent approach?**
  Once the national government has agreed on a constitutional design and the international donor and diplomatic community has endorsed that model, some assert that donors should then commit to the approach and try to make it work, even if it was not the most appropriate design in the first place. Others argue that donors should be as flexible as possible in transition periods, which are usually volatile and unpredictable, as long as they are transparent and communicate any changes in policy or approach with the national government, the public and international partners. Ideally, aid should be distributed at both the central and local levels in order to build capacity and confidence in newly elected authorities.

- **Centralization in Afghanistan?**
  The Afghan government, which emerged after the Bonn Agreement, was a centralized, unitary state, not one of the four decentralized models. This was viewed as important after decades of civil war, when Afghanistan became extremely fragmented,[2] and Afghans and international partners were concerned about complete state disintegration. Even the word “federation” had negative connotations. The major international donors thus agreed to work with the center to help it establish its legitimacy throughout the state. More recently, many donors have altered their approach due to concerns about corruption, mismanagement of resources, increasing insecurity, and poor governance.

The first issue that comes to mind is whether a unitary state was and is the appropriate design, especially if one wanted to work with rather than against the Afghan tendency of fragmentation. A case could be made for a more combined approach than the current situation, striking a balance between local autonomy, tribal systems and central government. The unitary model has, however, been enshrined in the constitution, and thus it would require creative leadership to forge a more appropriate design within the parameters of the constitution, and President Karzai is no longer viewed as such a reformer.

The second issue relates to the aforementioned concerns about corruption at the center, about warlords in charge of several key ministries and provinces, and money not going to where it is intended. Because of this, more donors have been shifting funds and expertise to the provincial and district levels, with little consultation with government officials at central, provincial and often even district levels, despite agreements already in place.[3] This has been facilitated for donors through the 26 internationally-run provincial reconstruction teams (PRTs) operating throughout the country, some of which are becoming very involved in local governance, establishing parallel shuras in certain districts, for example.

If donors do believe this is the right approach—that is, working more directly at the local level—they need to be transparent about their intentions and activities with local, regional and national authorities, as well as ensure that ordinary Afghans are also aware of the change. A more transparent approach would also help in public relations campaigns to counter the sophisticated strategic communications operation run by the Taliban, which regularly disseminates stories about western imperial designs and other supposedly negative ambitions of the international community.

If instead donors and the Afghan government together agree that the "local first" approach is counter-productive, they should spend more time trying to fight corruption at the center and ensure that funds go to where they are needed. A number of monitoring mechanisms were set up in the early days after the Bonn Agreement to ensure transparency, using local and national press as well as other watchdog groups. These would have to be resuscitated and revitalized in full partnership between the Afghan government and major donors.

The inconsistent and often non-transparent donor behavior has interfered with progress in democratizing Afghanistan. A similar lack of overall strategy and coherence has also interfered with attempts at reconciliation in Somalia.

Decentralization for Somalia?

When there is no central government to work with, or when the signatories to the peace agreement cannot assert their authority, the situation is even more complicated. Somalia has been without an effective central government since January 1991, although there have been dozens of signed and ultimately failed peace agreements. Before and during the U.N. and U.S. peacekeeping operations (1992-1995), attempts at reconciliation had been made by various groups of Somali intellectuals, by Somali warlords or "politicians," by neighboring states, by several western countries, and by regional and multilateral institutions. Between 1991 and early 1995, 17 national-level and 20 local-level "reconciliation initiatives" were attempted in Somalia and in neighboring states.[4]

Despite the plethora of agreements on peace, national unity and the formation of a central government, they arguably failed because they focused almost exclusively on a rapid revival of a centralized state—without the prior elaboration of constitutional arrangements that could have accommodated the decentralized (some even say "uncentralized") realities of Somali society and built confidence among the various actors to the peace process. The national-level agreements also foundered because they included more warlords than traditional leaders from civil society, and these warlords could not fully control or deliver their claimed constituencies.

Local-level agreements achieved more results through the organization of a cascading series of small meetings, as in Somaliland, which declared its independence from the rump Somali state in May 1991. Local meetings gradually transformed into the Boroma "national" conference, held between February and May 1993, which capped this process. Elders agreed on a National Peace Charter for the "Somaliland Republic," which also assisted in resolving clan conflicts. Significantly, this process received very little external financial assistance.

- **Building Blocks**
  From the mid- to late-1990s, following the U.N. interventions, the international community subsequently supported what was called the "building block" or "peace dividend approach." Areas that made progress on political reconciliation and security would receive support, whereas the so-called "poor performers" would receive only humanitarian assistance (when security permitted), and even then such assistance was minimal owing to funding constraints. The building-block approach was based on the belief that an effective national government could only be realized if it were built on relatively strong, peaceful, decentralized regional foundations.

  By the late 1990s, the building-block/peace dividend approach had been endorsed by the Inter-Governmental Authority on Development (IGAD), the East African regional organization, which was chaired at the time by Ethiopia. Somaliland was already receiving the bulk of international assistance, and in 1998 the northeast soon established a regional charter for Puntland. Together, these two regions comprise approximately half of all the territory of the former Somali Republic. Other regions in southern Somalia were at times declared to be building blocks, including Hiraanland, Jubaland, Gedo region, and the Benadir Administration.

  The hope was that these regional authorities would eventually join up and form a decentralized federal or even confederal state, and that this "bottom up" method of coming together would ensure that power remained diffuse. Although in theory this approach made the most sense, and complied with what many Somalis from all political and social affiliations had been advocating for years, in practice it was undermined by the relative indifference of some of the major powers, particularly the United States and U.N. headquarters, and the direct interference of the neighboring states.[5]

  The lack of interest by the major powers and their reluctance to support this approach in a meaningful way allowed regional actors to interfere with relative ease, to the detriment of the political and security situation inside the country. Had the U.S. government and U.N. headquarters put their full diplomatic weight behind this effort and applied greater pressure on Somali authorities and neighboring governments, as well as assisted in democratization efforts, potentially this policy might have succeeded in re-establishing an effective government.

  Instead, a regional Cold War interfered with reconciliation attempts. The competition was first between Kenya and Ethiopia for control of the peace process, then between Ethiopia and Egypt owing to their longstanding dispute over the Nile. Each country supported different, opposing warlords in northern and southern Somalia.

Ethiopia and Egypt also had mutually exclusive ambitions for the type of government they wanted established in Somalia. Remembering its past border disputes and war with Somalia, Ethiopia preferred a decentralized state, which would hopefully be less of a threat to its larger neighbor. Ethiopia thus utilized its lead position at the time in IGAD to promote the building-block approach, which also found resonance among western states and the United Nations. Egypt, on the other hand, itself a highly centralized state, advocated a model similar to its own, and probably also because it preferred Ethiopia's neighbor to be strong. The Egyptian view was that if Somalia were encouraged to break into "entities," there would be more of a likelihood that each entity would attempt to declare independence, as had already occurred in Somaliland. If instead a central government were formed first, then it could be up to the central government to decide on the regions that would make up the state. Egypt argued that it was committed to preserving Somalia's integrity.

Complicating the equation was the Eritrean-Ethiopian war, which fully erupted in early 1999 and was responsible for an upsurge in arms flows into Somalia. Yemen and Libya also entered the picture and were accused of supplying arms to different actors, as well. All of these states additionally continued the earlier damaging policy of negotiating possible settlements only with the warlords (giving them large sums of money to attend so-called "peace talks" and sign agreements that could not be implemented). Thus, whereas at one level the international community, through the Somali Aid Coordination Body, was advocating a building-block approach and a focus on civil society, the neighboring states were pushing a contrary policy that essentially kept Somalia in a political stalemate and continued to empower the warlords.

Things only deteriorated further with yet another regional peace initiative, this time sponsored by the Djibouti government. In August 2000, at the Somalia National Peace Conference in Arta, Djibouti, a Transitional National Government (TNG) was officially announced. The TNG moved to the capital, Mogadishu, in October 2000. It received some support from the United Nations and financial support from several Gulf and North African states, including Saudi Arabia, which allegedly donated U.S. $6 million. Arta resembled more the Egyptian preference and it, too, soon faltered.

Significantly, the TNG signaled the end of the building-block approach. As Matt Bryden explained,

> The Arta conference effectively denied the existence of these [regional] authorities, and aimed instead at the formation of a government by a large group of handpicked individuals, invited by the Djiboutian government. Since the leaders of the building blocks declined to attend, the conference attracted their political rivals instead, and awarded them legitimacy and recognition under the rubric of a new "Transitional National Government." The consequences were dramatic: the administrations of Puntland and Bay/Bakool soon collapsed as pro- and anti-TNG groups struggled for power. Gedo region, which had been peaceful for several years, also erupted into inter-factional violence, and an alliance of pro-TNG militia from central Somalia assaulted and occupied the southern port of Kismayo.[6]

After further talks in Kenya in 2004, yet another Transitional Federal Government (TFG) was established, which continues today, though in name only. The TFG has never managed

to control more than half of Mogadishu and parts of Baidoa, while competing groups have vied for power. The most successful was the Islamic Courts Union, which was perceived as a radical fundamentalist movement that threatened Ethiopia and allegedly was linked to Al-Qaeda. In mid-2006, the ICU succeeded in consolidating its power over much of southern Somalia. Six months later, in December 2006, Ethiopia invaded Somalia with tacit U.S. government support in order to remove the ICU from power, and this temporarily bolstered the TFG, though it still could not control the country. The ICU, meanwhile, splintered into a number of competing and violent militias, which have contributed to a serious deterioration of the humanitarian and security situation throughout Somalia.

U.S. government concerns over the growth of Islamic radicalism and the threat of terrorism in Somalia, and consequent U.S. military, diplomatic and other activities in the country, have caused serious blowback in Somalia, helping to bring about a much more powerful and violent jihadist movement and pushing Somalia further into humanitarian disaster.[7] In late January 2009, Ethiopia finally withdrew troops from Somalia, and Abdullahi Yusuf resigned as president of the TFG in December 2008. At the time of writing, Islamist militias had already taken over Baidoa, and further peace talks are under way in Djibouti. The future of the African Union peacekeeping mission (AMISOM) is likewise uncertain.

Experience in Somalia over the past two decades has taught any would-be mediator that there is no simple solution to Somalia's interconnected problems of warlordism, state collapse, radicalization, and humanitarian disaster. And it might be too late to resuscitate the building-block approach due to extreme fragmentation and violence, but in many ways, it might have been and still could be the only viable option for sustainable state building in Somalia. The lesson from the building-block experience was that if there is general agreement on a road map, one that has the broad support of the population (and not just the militia heads), the international community should make every effort to ensure it is implemented and not obstructed by spoilers, which in this case included a combination of regional countries and a number of Somali warlords.

Concluding remarks

Rebuilding states and government capacity after protracted conflict is extremely challenging. Wars almost always result in the destruction of most existing infrastructure and cause the majority of educated citizens to flee the country. Even in the best circumstances, when a constitutional design has been agreed upon, implementation will be fraught with difficulties. It will require sustained attention to detail and frequent interventions by external partners to ensure that competing parties implement their commitments and that government capacity is built at all levels. Sustained attention means years—if not generations—rather than months, so as to avoid repeated return interventions, as the U.N. has had to do at least five times in Haiti over the past two decades.

In terms of the strategic design of a new government as part of the peace process, this should be led by national actors, with the support and technical assistance of the international community when requested and required. The challenge for those who are seeking new decentralized political structures for their country is how to develop an over-arching framework capable of providing basic common services, and at the same time, is securely rooted in local democratic processes. Tribes, clans, ethnic groups, and even religious groups could be the natural building blocks. The key

difficulty in designing and constructing the appropriate decentralized political model will lie in the local actors' willingness to agree upon the appropriate federating and consociating units.

While the process should be driven by local actors, the international community has a significant role to play. Without external pressures, it is not easy for many divided societies to transform their polities into decentralized models. Donors and diplomats should thus try as much as possible to encourage constitutional designs that complement local culture and traditions, rather than work against them.

Whichever of the options are chosen—from the most centralized to the most decentralized—the initial decision need not be permanent and irreversible. Constitutional arrangements can be built in whatever number of states are created, which would allow either for the re-unification, by agreement, of the constituent states, or for the secession, by agreement, of any of the new political entities created by the re-establishment of a united state. Often decentralized, power-sharing consociational arrangements are only needed in the immediate aftermath of conflict, while trust is being rebuilt, and then they can be transformed into other models as and when appropriate.

Decentralized approaches can help thwart another overly strong central authority, while consociational practices recognize the importance of the clans, tribes, ethnic and/or religious groups. These power-sharing practices also help ensure that those who have been discriminated against in the past will be treated fairly in the future.

Chapter 5
Achieving Effective Local Governance: A Perspective From the Field

By Colonel Richard Megahan, PKSOI

"Since an insurgency is a bottom-to-top movement, an administrative vacuum at the bottom, an incompetent bureaucracy plays into the hands of the insurgent."

David Galula[1]

"We had done our best to provide advice and support to our counterparts, but I realized that perhaps sometimes we had been too quick to do things for them."

John C. Loving[2]

Introduction

What possibly could a former Iraqi Infantry Division senior combat advisor have to say about effective local governance?

Essentially, that achieving effective local governance means ensuring there is no security and public administration vacuum; that effective governance is "home-grown" and occurs from the bottom up, not top down; that effective governance is all about leadership; that capability and capacity building are critical efforts, but capability is immediately essential; that only the host nation can effectively govern itself; that "security of the people in their homes and communities had to be the first order of business,"[3] but just as important are the interrelationships of security with all other sectors of stability operations that are critical to a holistic, synthesized, integrated approach to nation-building.

Discussion

The purpose of this chapter is to highlight the extraordinary experiences and insights into effective local governance that I gained during my tour as senior combat advisor with the 5th Iraqi Army Division in Diyala Province, Iraq, 2007-2008. I had the unique opportunity to observe first-hand how host-nation institutions and leaders attempt to establish resilient, functioning governance in the midst of intensive counterinsurgency and stability operations.

In my position as the advisor to Staff Major General (SMG) Salem, the 5th Iraqi Division Commander, I was involved in countless provincial government meetings and conferences, watching closely the actions of the provincial governor, his deputies, the unabashedly contentious provincial council members, and the key clerics, influential sheiks, businessmen, and district and village leaders who sought a place in the execution of provincial government.

I observed the participation of opposing Islamic Party of Iraq politicians, the historic position of the Kurds, the emergence and extraordinary success of Sunni paramilitary group leaders and units, and the thinly veiled, Shia extremist-fueled sectarianism and corruption of the provincial police. I witnessed the creation of the Diyala Operations Command, designed to coordinate rebuilding of the provincial government, police, and military activities. These tasks were never fully accomplished in the year that I watched it struggle for legitimacy and authority and do more to enflame resistance to a comprehensive approach to issues than to integrate provincial capabilities.

I was disappointed and perplexed by the often convoluted, unsynchronized, and unfocused actions of the assigned Provincial Reconstruction Team (PRT) and its relationship with the governor and his deputies. Due to a variety of circumstances too numerous to detail in this paper, the PRT never really seemed to have a handle on the integration of "self-defense, self-government, and self-development,"[4] and incompetent local governance was the result.

I was both participant and spectator to the valiant and frequently frustrated attempts by the U.S. Brigade Combat Team and Multi-national Division North commanders to strike a balance between the complex, long-term stability operations activities and the high payoff return and immediate gratification of U.S.-unilateral counter-insurgency combat tasks. But success in prosecuting insurgent targets did not equate to accomplishing stability and effective governance in the province, and I often felt that we failed to follow-up on the opportunities presented by the highly successful high-value target raids.

I watched with great fascination how SMG Salem, the division commander, directed the 5th Iraqi Division into a stability operations focus, personally leading his units to improve the welfare of the citizens of the province as he conducted concurrent combat operations against insurgents. For a considerable period of time during the contentious anti-Al-Qaeda campaign in Diyala, Salem was the most visible and effective representative of the Government of Iraq, and of Diyala Province.

I had a ringside seat as my counterpart participated in medical facility and health service regeneration, "jump-starting" provincial food delivery, resolving tribal quarrels, agribusiness conflicts, education system start-up and quality, irrigation disputes, fuel oil distribution irregularities, and re-energizing provincial industrial production. Infrastructure security concerns, law enforcement issues, elections, provincial finances, payroll of the government staff, provincial-national government control and responsibility disagreements, and provincial capital sewage, water, electricity, telecommunications, and transportation infrastructure re-emergence—these were the areas in which my counterpart was intimately involved.

Good Governance

In my assessment of the situation in the provincial capital of Baqubah, and across the province at large, there always seemed to be an underlying tension between government-sponsored, short-term reconstruction actions and practical, enduring affects. Even in the fairly straightforward business of repairing the electrical power grid of the province or of providing clean drinking water to the people of western Baqubah, there always seemed to be a sense that the Governor and his principals did not have their heart in their business.

Efforts to improve the lot of the people were always publicly announced affairs, but the leadership rarely moved beyond the secure confines of the government center to observe the application of the pronounced plans. Often it seemed as though the Governor had finally been persuaded to "do something" to appear as though governing. A steady stream of U.S. senior leaders had an audience with Governor Ra'ad, but appeared to stop short of nudging the Governor to the point where he actually took steps to lead the integration of the military, police, and humanitarian enterprises.[5]

There was an enormous public administration vacuum. The resources of the province were not coordinated, governmental leadership was marginalized or absent, and U.S. attention failed to appreciate what steps by the prevailing host nation institutions were collectively necessary for good local governance during this protracted fight to liberate Baqubah and the province from Al-Qaeda.[6]

What is good local governance? One U.S. Agency for International Development (USAID) publication suggests:

> "Local governance comprises a set of institutions, mechanisms, and processes, through which citizens and their groups can articulate their interests and needs, mediate their differences and exercise their rights and obligations at a local level. The building blocks of good local governance are many: citizen participation, partnerships among key actors at the local level, capacity of the local actors across all sectors, multiple flows of information, institutions of accountability and a pro-poor orientation."[7]

Any discussion of effective local governance is never far removed from the behavior of the citizens. Rational, positive outcome of the efforts of the myriad actors and groups and interest-mongers to achieve a stable platform of political organization relies very much on the "strong reciprocity" and "pro-social behavior" of the citizens. Good governance is founded on good citizenship.

Unless the people are willing to sanction "punishment" for criminal activities and bad behavior, and "reward good behavior" without fear of inequality and unfairness, the compounding work of developing governance will crash precipitously. The citizens have to see the intrinsic value in transcending narrow, sectarian self-interests and behave in a way that ultimately serves "the common good."[8] Citizens are hardly interested in taking such steps unless local leaders are in place to make the first moves, especially in the midst of a robust insurgency.

The Critical Nature of a Province-Focused Approach

Establishing firm, responsible, and lasting national governance is an essential objective of successful counter-insurgency operations or stability operations, but much evidence has been provided that capable local governance must exist before central government high-level policy. The Civil Operations and Revolutionary Development Support (CORDS) actions in Vietnam underscore this approach, clearly determining that the lack of capacity at the local government level damages any intended national efforts.[9]

This is not to suggest that the central government is out of the picture; instead, it must be recognized that the battle against insurgents first takes place in the villages and districts in provinces, not at the national echelon. Presuming that residual government capability exists in the provinces (region or subnational unit), this is the nexus of resources for host nation army, police, and government programs in the provinces. This is the location of U.S. military formations, advisors, PRTs, and perhaps NGOs and IOs. This is the location where the effects are tangible and indicators of success (or failure) are most overt and identifiable.

Thus, the fused interagency approach to stabilizing the province ensures a comprehensive, cooperative U.S. management organization is in effect at every echelon from the bottom to the

top. The theme is host-nation *government* leaders (civilian, police, military), facilitated by a coordinated advisory effort by USG interagency experts.

Context of Cooperation: A Reminder for Agents of Developmental Change

A multi-disciplinary approach to rebuilding provincial governance relies on cooperative measures by the "donor" advisors as much as on the "recipient" host nation officials. However, we often forget the multifaceted collaborative and cooperative behavior developmental change, instead defaulting to superior-subordinate style relationships. It is very important that we are continuously reminded that the effects of multicultural exchange move along a two-way street.

> "Assuming sufficient institutional support, intercultural encounters in the context of development cooperation will be productive if there is a two-way flow of know-how: technical know-how from the donor to the receiver, and cultural know-how about the context in which the technical know-how should be applied, from the receiver to the donor. A technical expert meets the cultural expert, and their mutual expertise is the basis for their mutual respect."[10]

If we intend on increasing capability of local governmental institutions, including the police and the army, then we have to suspend our judgments and assumptions and work collaboratively with our "allies," our "partners." From my experience in Diyala Province, we often tripped over our best intentions to achieve stability because of our hubris and perceived superiority. We must be more adept at developing a shared identity with the host nation in order to arrive at shared values of governance.[11]

Overcoming the Legitimacy, Capability, and Capacity Deficits: "Transmogrifying" Local Governments

Field Marshal Sir Gerald Templer's direction of counterinsurgency operations in Malaya in the decisive years from 1952 to 1954 is often cited as a formative example of the role of a senior leader in leading developmental change in governance during stability operations. Author Kumar Ramakrishna's 2001 article in the Journal of Southeast Asia Studies highlights Templer's psychological approach to building confidence by the citizens in the local governments:

> "He declared that one rationale for his numerous personal visits was to demonstrate that 'government extended right down the line into the lives of the simple people,' and that 'government—which on those occasions were represented by me—always kept its word when it made a promise.'"[12]

Templer focused on changing both the appearance and the form of local government by "injecting new life into a moribund colonial administration," while personally demonstrating "the requisite moral/psychological ballast to withstand and ultimately overcome" the Malayan Communist Party. In his actions, he built upon the blueprint of his predecessor to integrate civil, police, and army resources at all levels.[13] Templer worked to improve governance through increased Federation of Malaya lower-tier governmental leader capability in activities such as "parish-pump" political entities known as Local Councils.[14]

Guiding Leadership and Capability-Building: The Framework of Stability Operations

Field Marshal Sir Gerald Templer's methodology in Malaya, and my own personal experience in Iraq suggest a four-point template for considering capacity building of local governments in stability operations: Assess, Advise, Action, and Assumption.

- **Assess:** Determine the level of pre-existing institutions, rather than resorting to a "clean slate" method.
- **Advise:** Capability is improved through coaching, through person-to-person leader advising, donor to recipient.
- **Action:** Coaching and advising can only get so far; local leaders must then produce; advisors urge integrated institutional action.
- **Assumption:** Local governmental leaders are developed and oriented on the objective of full responsibility for governance.

This approach is predicated on the philosophy of "host nation first," defined as viewing the stability operations problem through the eyes of the "recipient," rather than through the donor.

Gaining Traction for Developmental Change

Personal experience and research also suggests that gaining momentum for developmental change of local government institution leaders is difficult under the best of circumstances in stability operations. However, we have to be more conscious of the power of building upon the strengths of the local institutions.

In their seminal work *Cultures and Organizations: Software of the Mind*, Geert and Gert Hofstede adamantly express the scholarly view that:

> Nobody can develop a country but its own population. Development is in the minds, not the goods. Foreign money and foreign expertise are only effective to the extent they can be integrated into local knowledge…a number of case studies shows how quickly results could be obtained by building on indigenous institutions that had a strong hold on people's commitment, dedication, sense of identity, while at the same time implementing essential modernizations like strengthening the rule of law. The dominant philosophy of development cooperation has too rarely recognized this need for local integration.[15]

Integration advice and assistance at the local government level can facilitate developmental change. I suggest the following key points:

- **"External aid" approach:** PRT, Brigade Combat Team, military and police advisors must be synchronized and integrated in a scheme that supports collaboratively the host-nation governance activities.
- **Service delivery:** Service for and to the people-focus developmental change activities on human factors first to facilitate legitimacy-building.
- **Building trust:** Requires establishing in-depth personal relationships between advisor and counterparts, and consistent collaborative and walking the talk (consistently fulfilling commitments to host country) behavior by "donors."

- **Enable:** Local leaders must feel the full weight of the freedom and necessity of strong, productive decision-making and acting.
- **Empower:** Local leaders must experience the requirement to take action, to produce, to assume responsibility.
- **Leadership in action:** Because "capability is not destiny." Enabled and empowered (and advised) leaders begin to construct their own capacity through practice.
- **Participation:** Inclusion of formal and informal local actors, in accordance with the cultural "Rules of the Game."
- **Transformation by their own hands:** Re-engineering, restructuring, or enacting business process improvement in public administration based on cultural background.
- **Evaluation/measurement:** Through host nation and jointly developed metrics.
- **Shaping cultural change-carefully:** Through coaching, communication, coordination, and commitment. This is a full-time job.
- **Transition as endstate:** Capabilities and capacity-building first, followed by capacity-enhancement, for assumption of full responsibility for governance.

Building Strength Before Expansion of Scope

Building capability—strengthening the ability of the Host Nation institutions to manage their own affairs—requires person-to-person coaching and mentoring, oriented on enabling the local leaders to act, to produce results from plans of their own design, to deliver services for their citizens. Strengthening local capability facilitates movement to capacity-enhancement, as the scope and sophistication of governance is enlarged.

Much of our problem in stability operations is confusion over our role as donors and facilitators. We enter into the situation with a flawed assumption that our task is to move the host nation forward at our pace, according to our procedures and style of management and government, and with our direct intervention. Enduring achievements do not come from our hands, instead, as Francis Fukuyama points out:

> "If we really want to increase the institutional capacity of a less-developed country, we need to change the metaphor that describes what we hope to do. We are not arriving in a country with girders, bricks, cranes, and construction blueprints, ready to hire natives to help build the factory we have designed. Instead, we should be arriving with resources to motivate the natives to design their own factory and to help them figure out how to build it and operate it themselves. Every bit of technical assistance that replaces a comparable capacity on the part of local society should be regarded as a two-edged sword and treated with great caution. Above all, outsiders need to avoid the temptation to speed up the process by running the factory themselves."[16]

In my experience in Diyala Province, I observed many examples of U.S. military leaders and U.S. government civilians engaged in running the factory, or designing and building the factory for the local government. Of course, much of this behavior was a function of a short-range view: unit rotations lasted one year, and there was much to be done to demonstrate success; each problem set seemed unique, regardless of previous unit experiences.

Often, the approach taken served to usurp local leader authority, and derailed the prospects of enduring achievements. Our tasks were to change the Iraqi culture to fit new governance

circumstances—the culture that didn't change to account for the integration of all interagency partners, was ours.

A Philosophic and Practical Approach to Achieving Effective Local Governance

Consequently, the issues of achieving effective local governance devolve to donors acknowledging a much more nuanced, less-imperialist mindset, and recognizing that long-term stability will only be accomplished if we get in and get our hands dirty, coaching in the field.

- **Host Nation *First.***
- **Empowerment.**
- **Enabling.**
- **Transition Through Coaching.**

View the situation first through the eyes of host-nation institutions, actors, and then look through U.S. eyes, since "nationality defines the organizational rationality."[17] "Unpacking" centralization, de-centralization, and provincial autonomy[18] is an essential pre-requisite for establishing what form of governance is going to be the most practical model for the host nation—but this deconstruction of forms must fit the culture.

All politics, insurgencies, and stability operations are local. We must embrace the concept that causes us to focus effort where we can have the most immediate impact on the "simple people" first. Feasibility, not desirability, is the psychology necessary to be realistic about achieving effective governance in stability operations. Policy and feasibility don't line up at first; it takes a concerted, holistic approach by donors to recognize the imperative nature of affecting developmental change at the bottom, so that the pillars are in place for the policy tier of national government.

What is good governance? How do we achieve effective local governance? Consider this exchange of over 2,500 years ago:

> The second time Duke Ching called Confucius to an audience, he again asked him, "What is the secret of good government?" Confucius replied, "Good government consists in being sparing with resources."[19]

In my experience in Diyala Province in Iraq, the Confucian response is an appropriately pragmatic reminder about where we go wrong when we attempt to develop host-nation institutions. Spare the outlandish cash resources; they never ultimately achieve the aim. Establishing effective local governance takes time, patience, and person-to-person coaching of the indigenous leaders.

Chapter 6
Peacekeeping Operations and Social Reconciliation: The Challenges of Effective Peace Building

By Richard McCall
Creative Associates International, Inc.

The international community was thoroughly unprepared to respond effectively to the new post-Cold War challenges, which included the emergence of complex emergencies, many of which revealed ethnic, religious, cultural or nationalistic fault lines. These fault lines have been manipulated in many cases by state and/or non-state actors. This has led to the unraveling of many states, a large number of whom were former super-power clients. What remained were hollow entities—states with very few attributes of nationhood, such as the institutional underpinnings of legitimate governance, the foundation upon which viable nation states are based.

Within this context, we need to re-evaluate many of our assumptions and develop different analytical tools and frameworks that are essential components of a new national security strategy. The logic of democratization and free market economies has driven the notion that many societies are in transition—that there is somewhat of a linear progression from centrally controlled political and economic systems to democratic and market driven systems. Yet, in these so-called transitions, it is apparent that a difficult and patient societal transformation is the more appropriate description of the processes required for peace, stability and political pluralism/tolerance to be established and sustained over the long term.

In too many areas of the world, countries have not undergone the processes fundamental to the creation of a modern nation-state. All too often, the international community has made the mistake in assuming that a reconstitution of the state apparatus alone, along with democratization and market liberalization, will form the basis for long-term stability. What we have failed to understand is that once an authoritarian state collapses or is overthrown, there is no institutional underpinning or coherence in these societies. In the absence of functioning institutions that reflect a working consensus within these societies, particularly those diverse in their ethnic and/or sectarian makeup, the potential for re-emergence of violent conflict is a certainty.

The international community has a preoccupation with top-down approaches to nation-building with a major focus on reconstituting central government institutions. While most modern nation states have gone through the creation of institutions at all levels of society, the citizens of many countries have not. They have not had the opportunity to participate in processes whereby common values are identified and agreed upon and institutions created that reflect this fundamental societal consensus. In virtually every conflict or post-conflict country, one can find there to be a strong identity at the community level, ethnic or sectarian, but no sense of national identity. The processes of institution-building at all levels of society can transcend the divisive nature of localism, or communalism, such as ethnic and/or sectarian.

This institution-building can take many forms, such as local and regional government entities, community development organizations, local education and health committees, agricultural and marketing cooperatives, or water boards, just to name a few examples. Institutions reflect the

accepted rules of the game, clearly defining individual rights and responsibilities within the broader community of interests.

Violent conflict generally breaks out in a society when the fundamental ideas and agreements that constitute order break down. It is these ideas and agreements, when given the force of law, and enforced by the state, that regulate behavior. Conflict is first and foremost a political failure, whereby states cannot, or will not, build productive political communities or enable them to operate.

The processes that lead to the creation of a viable sustainable nation-state cannot be short-circuited. This is a long-term process that should demonstrate sensitivity to, and understanding of, some basic fundamentals including, but not limited to:

- **The creation and maintenance of institutions** that reflect broad societal ownership is the major challenge in peace-building. When trust breaks down, the legitimacy of governing processes must be built, which can only be done through institution-building that is seen to be fair and inclusive. Building society-wide consensus around a new set of governing rules is critical to broad ownership of resulting institutions.
- **Healthy states are multi-constitutional**, having multiple points of political access to address and solve problems.
- **Effective long-term problem-solving** needs to occur at multiple levels and focus on building political solutions from solid social and economic foundations.
- **A strong and active citizenry** to design local institutions and co-produce public goods and services.
- **A commitment** to dialogue, participation, competition and compromise from the local to national level.

Within this context, the role of external actors should be one of partnership by encouraging an enabling environment so that rich systems of governance can be developed. The choices are not between small and large systems, but between systems of governance that are locally rooted and, into turn, are tied into regional and national systems. This is the principle of self-rule through shared-rule.

Establishment of basic and effective security is critical to the peace-building process. However, what is often overlooked is a commensurate focus on the need for dispersing power throughout society to ensure against the abuse of political and economic power from the center. Establishment of the “rule is law” is also important. However, to ensure that law and justice are equitably and fairly applied, institutional accountability is critical. Institution-building at all levels of society that clearly spells out rules, rights, and responsibilities around which there is a broad societal consensus is a critical component of establishing a rule of law regime.

Why has the international community been so ineffective in peace-building efforts? The answers are many. In November 2004, the International Peace Academy and the Center on International Cooperation held a symposium on the “Political, Institutional and Economic Challenges of State-Building.” There are poignant observations that are particularly relevant to the topic of this paper.

"Past attempts (at state-building) have been seriously undermined by a lack of strategic planning prior to intervention, particularly the failure to understand the local context in which state-building efforts will be undertaken. In most cases, an over-emphasis on short-term goals—largely dictated by external domestic politics—has resulted in no real foundations being laid for the attempted transition….Little attempt has been made to reach out to the local community and manage their expectations for international interventions, let alone good faith efforts to properly consult and involve in important decisions about the future of their state. The international community withdraws too early, leaving behind weak institutions that are not sustainable over the long term."[1]

It was noted further that "…international actors have demonstrated a tendency to treat state-building as a purely technical exercise of transferring skills and running elections."[2]

A joint War Torn Societies/International Peace Academy paper on post-conflict peace building—published in October 2004—raised similar concerns that I will now highlight.

"One of the most persistent obstacles to more effective peace building outcomes is the chronic inability of international actors to adapt their assistance to the political dynamics of the war-torn societies they seek to support."[3]

Mistaken assumptions on the part of the international community have also contributed to ineffective peace building. Quoting from that document:

> "…economic and political liberalization are particularly ill suited and counterproductive in post conflict peace building since they promote economic and political competition at a difficult and fragile stage." [4]

Drawing on studies of economic and political liberalization in post-conflict societies, the paper cited Roland Paris' book, "At War's End: Building Peace after Civil Conflict." Paris argues for "a gradual and controlled peace building strategy" emphasizing "institutionalization before liberalization." In other words, it is critical to establish domestic institutions "that are capable of managing the transition from war, while avoiding the destabilizing effects of democratization and marketization."[5]

The paper noted that there was strong agreement among conflict practitioners that ultimately local processes and institutions should play an important role in shaping the design, implementation, and outcomes of policy choices.

Finally, the paper laid out key persistent problems in implementation of peace-building policies and programs that include the following:

- "Donors channel their support in the form of time-bound projects without a strategic framework and long-term commitment to peace building.
- Despite lip service paid to local ownership, there is a disconnect between external priorities and national processes and priorities.
- External actors consistently neglect institution and capacity building, which are recognized as central to peace building.

- In the absence of a strategic peace building framework, external interventions are uncoordinated, fragmented and incoherent."[6]

The bottom line of these two papers, which critiqued the international community's failings in peace-building, is a poignant reminder that we should engage with the simple understanding that:

"Peace, security and stability cannot be imposed from the outside, but need to be nurtured internally through patient, flexible, responsive strategies that are in tune with local realities."[7]

Within this context, how do peace-keeping forces foster social capital and reconciliation essential to sustained stability and government legitimacy? The key is to understand and recognize that social capital exists within any society. A couple of examples are worth citing.

In Iraq, Creative Associates Inc. began implementing an education project shortly after the invasion in 2003. One of the components of the program involved rehabilitation of schools. For every Iraqi family, quality education for their children was of the highest priority. Most schools in Iraq had deteriorated during the rule of the Saddam Hussein regime as virtually no resources were made available for facilities maintenance.

The Creative team held a number of local neighborhood assemblies composed of parents, teachers and school administrators to explain a process whose goal was community ownership of the rehabilitation process. Self-selected neighborhood education committees were established, and each committee designated a construction engineer to oversee the work. The committees were then instructed on how to submit a proposal that included the estimated costs for rehabilitation. A bidding process was explained and training was provided for the committee in how to evaluate bids coming in for the work.

Once the proposal was submitted and the winning bid awarded, grants were given to the local committees in the form of progress payments provided in tranches during the course of the rehabilitation. In virtually every instance, involving some 600 schools, the committees would withhold payments if the workmanship was not of the highest quality.

For the first time in their lives, the local communities involved in school rehabilitation, exercised ownership over the entire process. In other words, significant social capital was identified and organized around an issue of priority importance to the local community.

However, once the rehabilitation was completed, a level of frustration began to set in among these communities. No mechanism had been created to continue the engagement and ownership of the local school system. A recommendation was made to the USG that to address this issue some form of school boards and Parent Teacher Associations should be created to sustain the neighborhood involvement in controlling their schools. That recommendation was not accepted, and a significant opportunity was missed to strengthen further, and to utilize more effectively, the social capital that existed within Iraqi society.

While Creative's approach to school rehabilitation in Iraq is cited, it is only one example of what could have been applied in other sectors as well. While billions of U.S. dollars were made available to Iraq reconstruction efforts through large contracts, there was no strategic framework within which to allocate these resources in a manner that fostered local ownership and with it sustainable institution building.

Peace-building is a long-term process, a reality historically ignored by U.S. policy-makers. Iraq was no exception. In other words, our strategy was predicated on the notion that we needed to get in fast, spend large sums of resources in the shortest period of time and exit as quickly as we could.

Almost every criterion for effective peace-building, laid out earlier in this paper, was ignored in Iraq. We dug a deep hole for both ourselves and the Iraqis as a result. Five years later, it is impossible to identify institutions that reflect a working consensus in that society that are inclusive and clearly spell out the rules of the game for all Iraqis.

Another example of how organizing social capital can serve as a conflict mitigation tool involved Northwest Rwanda during the 1997-1998 time period. From the middle of 1997, indiscriminate cross-border attacks and killing by Interahamwe and ex-FAR (Armed Forces of Rwanda, which were Hutu) based in the Democratic Republic of the Congo became increasingly frequent. The population began fleeing their homes to areas protected by the Government of Rwanda. By the end of 1998, the internally displaced population in the northwest had grown to 650,000.

Among other initiatives, the Women in Transition (WIT) program, which had been implemented successfully in other regions of the country, was undertaken in the northwest. The WIT program provided micro-loans to women's economic associations, with a percentage of profits invested in a revolving fund as capital for future lending. In northwest Rwanda, 18 women's associations were formed composed of Hutu women who had fled Rwanda to Zaire and returned to their home communes; Tutsi women, many of whom were genocide survivors and the sole support for their children; and Hutu women who had not fled Rwanda in the mass migration to Zaire and Tanzania.

Initially, the level of trust within the mixed ethnic composition of the associations was almost nonexistent. But as the associations demonstrated their profitability, individual members understood that for them to succeed, the association itself had to succeed. The most significant manifestation of this realization was reconciliation among the members of the association.

Just as critical was the fact that the associations were an effective conflict mitigation tool. For the first time in their lives, these women earned sufficient income to meet the basic needs of their families. They now had a future of possibilities never realized before. For the Hutu women, many of whom had male relatives involved in the Interahamwe and ex-FAR raids, their future was jeopardized by the violence. As a result, not only was sanctuary among the local population denied, but the women made it very clear that those involved in the violence either return to Rwanda and integrate peacefully in the society or stay away. Subsequent evaluations of the program revealed that this had a significant impact on reducing and/or ending the cross-border raids. The WIT program was implemented under the auspices of the USAID Office of Transition Initiatives.

There are numerous other examples that could be cited as well.

Most conflict/post-conflict practitioners have similar anecdotes that reflect what works and doesn't in these real-world environments. However, if we want to effectively respond to the real world as it is, we have to address the structural problems within our own foreign policy/national security institutions.

Since the end to the Cold War, succeeding U.S. administrations have struggled with the challenges posed by what can be described as the new-world disorder. We have struggled with the need to reconcile the mandates of traditional national security institutions for managing government political, economic and security relations, which are often driven by short-term political considerations, with the necessity to deal with, and ameliorate, the fault lines within many societies. The goal of the latter is long-term stability through capable and legitimate governance. Yet, despite recognition of the threats facing the United States, the bureaucratic responses have been ad hoc at best by institutions whose current structures are inadequate to deal with these challenges.

While we have defined the threats facing us, and the global community writ large, the U.S. government still tends to look at global problems as a discrete and differentiated set of security, economic and political issues. Although it is improving, we still tend to develop segmented policy and programmatic responses based on narrow, short-term parochial interests.

Currently, the one U.S. government organization that has the flexibility and can draw upon the expertise of practitioners with significant conflict programmatic experience, particularly at the grass-roots level, is USAID's Office of Transition Initiatives (OTI). Unfortunately, it is a small organization with an annual appropriated budget of between $45million and $50 million (although it has received inter-governmental transfers for large programs such as Iraq).

OTI's implementing partners have the capability for quick, on-the-ground mobilization focused on engaging and strengthening civil society organizations, the creation of community development organizations, and small infrastructure reconstruction, to name but a few areas. The immediate goal of this engagement is to jump-start community-level processes to address priority needs of local populations.

There is usually a two-to-three-year time frame for OTI programs with the ultimate goal of handing off to the longer-term development missions. Unfortunately, this time line for OTI country programs is too short. It does not allow sufficient time for these processes to mature into sustainable institutions. Part of the problem is that Congress has made it very clear that OTI engagement should be of a short-term nature. This problem is compounded further by the fact that there is not a longer-term USG strategy for institution-building in which an OTI-like engagement is critical to a sustainable outcomes. In other words, we want quick results without understanding that this is an evolutionary process that needs to be viewed in five- to 10-year time-frames.

The bottom line is that we are not employing this OTI capability effectively and appropriately. To do so would require a whole of government approach to integrated strategic planning where transitional institution building and local ownership is a fundamental element of the USG or international community engagement. In other words, there needs to be a stronger and more robust OTI that is recognized as a critical component of peace-building that reflects the creation of inclusionary political, economic, and social institutions, the foundation upon which legitimate governance can then be realized.

[1] Machiavelli, Niccolo, *The Prince*

[2] Collier, Paul et al, *Breaking the Conflict Trap: Civil War and Development Policy*, International Bank for Reconstruction and Development and Oxford University Press, Washington D.C. 2003.

[1] An interim state may last for decades or quickly give way to another temporary structure. The Global Information System identifies over a dozen interim regimes since 1999 in the transition tables available online at http://www.gisresearch.com/. In the period 1990-2003, over twenty-two ethnically divided societies have been the site of settlements ranging from those that established political rights for minorities to power-sharing arrangements to partition and establishment of new sovereign states. See Roeder, P. G. and D. S. Rothchild (2005). Sustainable peace: power and democracy after civil wars. Ithaca, N.Y., Cornell University Press.

[2] Shain, Y. and J. Linz, Eds. (1995). Between States: Interim Governments and Democratic Transitions. New York, Cambridge University Press.

[3] Guttieri, K. and J. Piombo (2007). Interim governments: Institutional bridges to peace and democracy? Washington, D.C., United States Institute Of Peace Press.

[4] Kal Holsti refers to these as vertical and horizontal legitimacy, respectively. Holsti, K. J. (1996). The state, war, and the state of war. Cambridge; New York, N.Y., USA, Cambridge University Press.

[5] Doyle, M. (2001). War Making and Peace Making: The United Nations' Post-Cold War Record. Turbulent Peace. F. O. H. Chester A. Crocker, and Pamela Aall. Washington, D.C., United States Institute of Peace**:** 529-560.

[6] Guttieri, K. and J. Piombo, Eds. (2008). Interim Governments: Institutional Bridges to Peace and Democracy? Washington, D.C., U.S. Institute of Peace Press.

[7] Ibid. In July 2005, the Naval Postgraduate School convened a workshop to examine the innovations in interim governance that had occurred since the end of the Cold War. Particularly, the project aimed to trace the evolution of transitional governance in the past decade and to analyze the increased international involvement in transitional regimes, with particular attention to the longer-term consequences of heavy external involvement on domestic legitimacy, stability, and governance. Participants at the workshop were asked to prepare case studies and theoretical works that examined a number of critical cases in international governance, and that probed various themes. Cases studied included El Salvador, Guatemala, Indonesia, Burundi, Democratic Republic of the Congo, Liberia, Cambodia, East Timor, Kosovo, Bosnia, Afghanistan and Iraq.

[8] Manning, C. (2007). Interim Governments and the Construction of Political Elites. Interim Governments: Institutional Bridges to Peace and Democracy? K. Guttieri and J. Piombo. Washington, D.C., U.S. Institute of Peace Press**:** 53-73.

[9] Carothers, T. (2002). "The end of the transition paradigm." Journal of Democracy **13**(1): 5.

[10] Roeder, P. G. and D. S. Rothchild (2005). Sustainable peace: power and democracy after civil wars. Ithaca, N.Y., Cornell University Press.

[11] Ottaway, M. and B. Lacina (2003). "International interventions and imperialism: Lessons from the 1990s." SAIS Review **23**(2): 71.

[12] Donini, A. (2007). Knocking on Heaven's Door: Meeting Social Expectations in Post-Conflict Transitions. Interim Governments: Institutional Bridges to Peace and Democracy? K. Guttieri and J. Piombo. Washington, D.C., U.S. Institute of Peace Press**:** 35-52.

[13] Lijphart, A. (1999). Patterns of Democracy. New Haven and London, Yale University Press.

[1] For more information about the models and the application in different parts of the world, see J. Barker, E.A. Brett, P. Dawson, I.M. Lewis, P. McAuslan, J. Mayall, B. O'Leary, and K von Hippel, *A Study of Decentralised Political Structures for Somalia: A Menu of Options*, London School of Economics, EC Somalia Unit and the UN Development Office for Somalia, August 1995 (published in English and Somali).

[2] See Barnett Rubin, *The Fragmentation of Afghanistan: State Formation and Collapse in the International System*, Yale University Press, 2002.

[3] See Clare Lockhart, "The Aid Relationship in Afghanistan: Struggling for Government Leadership," Managing Aid Dependency Project, Oxford University: Global Economic Governance Programme, GEG Working Paper 2007/27, June 2007.

[4] Ken Menkhaus, "International Peacebuilding and the Dynamics of Local and National Reconciliation in Somalia", *International Peacekeeping*, Vol. 3, No. 1, Spring 1996, p. 43.

[5] See Karin von Hippel, "Blurring of Mandates in Somalia", in Larry Minear and Hazel Smith, eds., *Humanitarian Diplomacy: Practitioners and Their Craft*, United Nations University Press, 2006.

[6] Matt Bryden, "No Quick Fixes: Coming to Terms with Terrorism, Islam and Statelessness in Somalia", *Journal of Conflict Studies*, Vol. 23, No. 2, Fall 2003, p. 44.

[7] See Ken Menkhaus and Karin von Hippel, "Somalia: Republic of Blowback," *International Herald Tribune*, 4 September 2008.

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[1] David Galula, Counterinsurgency Warfare: Theory and Practice, New York: Praeger (1964), 30.

[2] John C. Loving, Combat Advisor: How America Won the War and Lost the Peace in Vietnam, with a Warning About Iraq, Lincoln, NE: iUniverse (2006), 159.

[3] Richard W. Stewart, CORDS and the Vietnam Experience: An Interagency Organization for Counterinsurgency and pacification, National War College, 1 May 2006, 121.

[4] Ibid, 86. The Diyala PRT had a number of problems to overcome as it attempted to execute its responsibilities. First and foremost was the issue of inadequately trained and insufficiently experienced team members. This assessment comes from countless visits to the Provincial Government Center in Baqubah during the height of the fighting to remove Al Qaeda from the provincial capital. The PRT over-reliance on BCT security forces to transport the team from FOB Warhorse to downtown Baqubah (6 mile trip) hampered any plans of getting out to the far-flung districts and villages of the large province until the tactical situation was stable. I observed a lack of a concerted, full-time effort in "advising" provincial leadership, clearly related to the personnel problems. Routine review of PRT reports to Baghdad (obtained only after strenuous efforts to place one of my advisors at PRT functions) continuously highlighted a pointed failure to grasp the nuances of the governance situation in the province.

[5] The length of this essay does not allow me to paint a full landscape of the crushing complexity of the situation to achieve effective governance in Diyala Province in May, 2007 to April, 2008. The fact that MND-N last week turned over responsibility for Diyala Province security to the Sons of Iraq is a telling indicator of the lack of political backbone in the current provincial administration, the risk-aversion and lack of desire to govern without sectarian white-wash, and the apparent inability of an on-site PRT and other US agencies to solidify effective governance.

[6] In all fairness, US senior leaders were acutely interested in the development and performance of the neophyte Diyala Operations Command, established in the midst of extremely intense combat in the provincial capital. A small cell of advisors was assigned to the DOC—the right move—but things began to fall apart when the issues of synchronizing and integrating police and governmental efforts with military actions were retarded by great uncertainty, in-fighting, and sheer, unadulterated jealousy of the successes of SMG Salem and his division. The Assistant Division Commander of the 25th Infantry Division/Multinational Division North was a constant visitor to the DOC, but the actual "day-to-day" personal advising of the two-star Iraqi DOC Commander was performed by a LTC from the staff at Tikrit. Although the PRT was on-site at the Provincial Government Center, there was no direct connection or relationship with the DOC. The DOC was the Governor's provincial counterinsurgency headquarters-where the integration of army, police, and government programs was intended to occur-but it seemed that the civilian staff, and the PRT, was not up to the task of participating with the armed forces, in spite of US senior leader attention.

[7] Evan Bloom, Amy Sunseri, Aaron Leonard, Measuring and Strengthening Local Governance Capacity: the Local Governance Barometer, USAID, 20 March 2007, 4. The authors cite as the original source the UK Department for International Development (DFID), "Meeting the Challenge of Poverty in Urban Areas," 2001.

[8] James Surowiecki, The Wisdom of Crowds, New York: Anchor Books (2005), 116.

[9] Stewart, CORDS and the Vietnam Experience, 66.

[10] Geert Hofstede and Gert Hofstede, Cultures and Organizations: Software of the Mind, New York: McGraw-Hill (2005), 358. Consider the following points on complex systems and the role of interactions in stability operations:

- Stability Operations: subsystems comprising a major system.
- Security first—this facilitates all other stability operations "sectors," orienting on transition.
- Systems Theory Approach: complex system dynamics interact-no stove-pipes.
- Changes in one subsystem affects other units of the system.
- Characteristics of one subsystem will affect other elements of the system.
- Interactions are transformative: they will cause a change.

[11] Ibid, 364.

[12] Kumar Ramakrishna, Transmogrifying Malaya: The Impact of Sir Gerald Templer (1952-54), Journal of Southeast Asian Studies, 32(1), February 2001, 90. Transcript prepared by the British National Army Museum, 8011-132-2, "Proposed Dialogue Script for a Filmed Discussion with Field Marshal Sir Gerald Templer on the Anti-terrorist Campaign in Malaya, 30 March 1977.

[13] Ibid, 84. The Ramakrishna article is a counter-attack on "revisionists" who describe Templer's administration as all bluff and bluster instead of calculated programs to energize capability and capacity of government institutions. Templer embraced the incisive efficiency of "The Briggs Plan," as it was called, which is worthy of additional study as a template for a transdiciplinary approach to governance at all levels. Ramakrishna cites British Documents at the End of the Empire (BDEEP), Series B, vol. 3, Malaya, Part II: The Communist Insurrection, 1948-1953, edited by A.J. Stockwell (London:HMSO 1995), Doc. 233.

[14] Ibid, 86.

[15] Hofstede and Hofstede, Culture and Organizations, 356. I have yet to find a single volume in the body of literature that is better at describing the cultural relativism so imperative in stability operations. This book addressed the earlier empirical data shortfalls in cross-cultural studies, but is even more impressive in its description of how values drive behaviors. The insights provided by this father and son duo are as revolutionary as they are applicable.

[16] Francis Fukuyama, State Building: Governance and World Order in the Twenty-first Century,

Profile Books (2004), 9.

[17] Hofstede and Hofstede, Cultures and Organizations, 275.

[18] Edward L. Gibson, Subnational Authoritarianism and Territorial Politics: Charting the Theoretical Landscape, paper prepared for a panel on "Subnational Authoritarianism in Comparative Perspective," American Political Science Association Annual Congress, Boston, MA., 30 August 2008, 10. Gibson cites Tulia Falleti, "A Sequential Theory of Decentralization: Latin American Cases in Comparative Perspective," American Political Science Review, Vol. 99 (3), August 2005, 327-346.

[19] Hofstede and Hofstede, Cultures and Organizations, 237. The authors cite B. Kelen, Confucius in Life and Legend, Singapore: Graham Brash (Pte.) Ltd, (1983), 44. See also G. Helgeson and U. Kim, Good Government: Nordic and East Asian Perspectives, Copenhagen: NIAS Press, in collaboration with Dansk Udenrigspolitisk Institut-Danish Institute of International Affairs (2002).

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[1] State-Building Policy Meeting: The Political, Institutional, and Economic Challenges of State-Building, November 5-7, 2004, p. 1.

[2] Ibid.., p. 2.

[3] Necla Tshigiri, "Post-Conflict Peacebuilding Revisited: Achievements, Limitations, Challenges," Oct. 7, 2004, p. i.

[4] Ibid. p. 15.

[5] Ibid. p. 15.

[6] Ibid. p. 16.

[7] Ibid. p. 17.

SECTION TWO:

SECURITY SECTOR REFORM AND IRREGULAR CONFLICT

INTRODUCTION TO SECTION 2
THE ROLE OF SECURITY SECTOR REFORM
IN RESPONDING TO IRREGULAR CONFLICT

By Thomas Dempsey, PKSOI

The following introduction provides a short synopsis of discussions at the Security Sector Reform (SSR) Workshop on October 16, 2008, and of discussions concerning that topic at the subsequent conference on *Building Capacity in Stability Operations* held on April 6, 2009. Following the introduction, Chapters 7 through 13 reproduce papers submitted in support of the Workshop and Conference, which furnished the basis for the discussions of SSR.

This series of events closely followed the publication of FM 3-07, the new U.S. Army Field Manual on Stability Operations, FM 3-07, in October of 2008, and the publication, in February of 2009, of "Security Sector Reform," issued jointly by the U.S. Departments of State and Defense, and the U.S. Agency for International Development. Both of these documents continue the process of developing U.S. approaches to and foundations for stabilization and reconstruction efforts, begun by the release of DoD Directive 3000.05 and NSPD-44 in 2005.

The SSR workshop focused on three broad areas: the law enforcement and justice components of SSR, the role of non-state security actors in SSR activities, and the rule of law frameworks that underpin SSR programs and the security sector in general. Workshop discussions noted the serious and ongoing shortfalls in resourcing for the law enforcement and justice components of SSR programs, and the need for a more comprehensive and effective set of best practices for developing host-nation policing capabilities. Closely related to shortcomings in the law enforcement and justice sectors were issues created by the proliferation of non-state actors in the security sector of states experiencing persistent conflict or emerging from periods of extended conflict. The workshop identified a need for more effective measures to address non-state actors in a security context. Overshadowing both of these areas was the issue of what rule of law framework is appropriate where host-nation frameworks are dysfunctional, lack legitimacy, or are contested among local groups.

Discussions at the April conference validated the role of SSR as a critical element in dealing with irregular conflict and validated the concerns articulated during the SSR workshop about our capacity to effectively pursue that element. Undersecretary of Defense for Policy Michelle Flournoy, in her remarks to the conference, noted that building capacity in the security sector is the centerpiece of the U.S. Administration's new strategy for Afghanistan. She also identified a need to institutionalize and better resource our ability to help partner nations build or rebuild their security capacity, a recurring theme during SSR discussions at both the workshop and the subsequent conference.

The need to better address justice and law enforcement as elements of SSR reflects a fundamental difference between restoring security in a non-permissive environment—with an inherent military element—and providing justice and law enforcement services to civilian communities. These two activities require very different capabilities and are conducted in very different ways. Each activity has important and distinct characteristics where rule of law is concerned, as we discovered in conducting operations in Iraq. We need to better understand the relationship between these two activities. To be fully effective, SSR activities must acknowledge the differences between the law enforcement and military functional areas, and recognize the

critical role that policing plays in translating the permissive "space" carved out by military forces into lasting security at the community level. Colonel Richard Megahan's paper on building policing capacity in Diyala Province, Iraq, makes this point eloquently.

Subsequent discussions of police capacity building focused on the need for effective force protection measures for police in a non-permissive and semi-permissive environment. Deploying external stability police forces, or developing a host-nation stability policing capability, could help to address this problem. An alternative approach is partnering police elements with external or host-nation military forces where threat levels are high.

Discussions of police capacity building emphasized that training is not enough. Building effective police forces requires the strengthening of police institutions at all levels. SSR needs to focus on improving police management structures and processes, on developing police senior leaders, and on establishing accountable pay processes and effective logistics support mechanisms. These efforts can best be conducted by knowledgeable, specialized trainers and advisors with civilian law enforcement backgrounds.

Addressing justice and law enforcement more effectively requires a comprehensive approach to the two areas, as Deputy Assistant Secretary of State Charles Snyder pointed out during his remarks at the April conference. Building police capacity, improving the prosecutorial and judicial elements of the justice sector, and addressing reform at the ministerial level, are all essential elements in an integrated approach to SSR in the law enforcement and justice functional areas. The paper by Eric Beinhart offers a case study of just such an integrated approach in Northern Uganda, and illustrates the value of interagency partnerships among key SSR stakeholders like the U.S. Agency for International Development (USAID), the State Bureau of International Narcotics and Legal Affairs (INL), and the U.S. Department of Justice (DOJ).

Effective reform and capacity building in the justice and law enforcement sectors requires strengthening the tools that the U.S. Government brings to the table in these areas. Mr. Snyder pointed out in his remarks the need for justice and law enforcement programs similar to those that currently exist in the military and defense communities. Defense Attache offices, military security assistance programs, the International Military Education and Training (IMET) program, and our Combatant Commands' military-to-military engagement all need justice and law enforcement equivalents. The U.S. justice and law enforcement communities need to establish the same kind of collaborative professional relationships with counterpart host-nation police forces that our military has established so effectively with counterpart host nation military and defense organizations. Since so much of the law enforcement community in the United States resides at the state or local level, there is a need for U.S. SSR practitioners to establish bridges to key law enforcement organizations at those levels, procuring access to their training capabilities, and leveraging their expertise and knowledge of core law enforcement competencies.

In a similar way, there is a need for robust U.S. justice and law enforcement teams to participate in the implementation of SSR programs, as illustrated in Thomas Dempsey's and James Nichols' paper on lessons learned from recent U.S. rule of law operations in the field. The core capability to perform these missions is there, but not on the scale necessary to meet the requirements that have emerged from recent U.S.-led or U.S.-supported reconstruction and stabilization missions. Expansion of USAID, DOJ, and DOS offices is clearly needed with responsibility for supporting

justice and law enforcement activities overseas. The funding processes and authorities necessary to sustain those activities need to be streamlined and expanded.

Part of building implementation capacity and processes to support it is developing an effective assessment process to identify needs and inform SSR program design at the front end of stability operations. As discussed at the conference, the U.S. Interagency SSR Working Group is currently involved in developing such a process, and the structures to support it, based on the Interagency Conflict Assessment Framework (ICAF). That and similar approaches need to be fully supported and institutionalized, building a collaborative, whole-of-government approach into the assessment process.

Discussions at both the SSR Workshop and the subsequent conference in April emphasized the critical impact that non-state security actors are likely to have on SSR programs undertaken in states experiencing irregular conflict. Non-state security actors proliferate where organized violence is prevalent, and the state lacks the means to adequately secure its people. These actors can have both positive and negative impacts on the conduct of SSR, and on reconstruction and stabilization more generally, as the papers by Thomas Dempsey on non-state actors in Sierra Leone, and by Michael Metrenko on similar groups in Afghanistan, illustrate. Non-state actors may provide badly needed alternative sources of security to communities in which host nation security forces have either ceased to function altogether or have themselves become a threat to the communities that they are charged with protecting. Collaboration with such non-state actors entails considerable risk, however. The involvement of non-state actors in delivering security services impedes (and may prevent) the restoration of the state monopoly on the use of force and might compromise the legitimacy of the host nation government at a critical time in the reconstruction process. Misconduct, human rights violations, criminal activities, and engagement in factionalism or sectarian conflict by non-state security partners could also undermine the SSR and stability operations agendas.

Operational constraints might require partnering with non-state security actors as a “least worst” solution to security deficits in conditions of irregular conflict. Where that is the case, SSR planning must include ways and means to minimize the risk of negative consequences and mitigate the damage of those consequences when they occur. At a minimum, collaboration with non-state security actors should be attended by measures to ensure accountability of those actors to some form of state authority, to establish checks on their ability to abuse their power or position, and to assert control over the process by which they are compensated for their services. SSR planners should also carefully consider the impact of partnering with non-state security actors on the process of restoring or sustaining rule of law within the host nation.

Rule of law influences every aspect of SSR, from the military process of carving out a secure space in a non-permissive environment to the restoration of justice and police services in recovering failed states. It featured prominently in all of the discussions involving SSR, and it surfaced frequently in the events and discussions of governance and economic development, as well. Establishing an effective and legitimate rule of law framework is a necessary precursor to almost every aspect of stability operations and is essential to SSR, as the U.S. Army Field Manual 3-07 (*Stability Operations*) points out, forming the foundation upon which SSR is built.[1]

Rule of law can be especially problematic as an element of stability operations and SSR during the initial stages of intervention, as Frederick Barton points out in his paper on the subject. Failed

or failing states characterized by irregular conflict could lack any functional or legitimate rule of law system, or might have competing systems, conflicts among which could be contributing to the conflict. Colonel (retired) Anthony Lieto's paper on detention operations in Iraq addresses this issue from the perspective of external interveners in an ongoing irregular conflict.

Intervening forces and their host nation partners will need to address what rule of law to apply in such circumstances, as the discussions at all of the events emphasized. The process and guidelines for determining the appropriate rule of law framework need further refinement. Although that process will be unique to each intervention and to each host country, several general guidelines emerged during the workshop and conference discussions.

Local rule of law practices and structures always exist, albeit sometimes in uncodified, informal systems. SSR planners will need to identify, in collaboration with host nation partners, existing local practices and structures, and determine their utility as a foundation for SSR and for stability operations more generally. The importance of host nation ownership in determining the appropriate rule of law framework cannot be overstated. Where no viable host nation partner exists at the level of a national government, SSR practitioners will need to explore alternative venues for procuring host nation participation, at some level, in identifying what rule of law to employ until a functional, legitimate host nation government does emerge.

There was a broad consensus across all of the events that current definition of rule of law, as contained in FM 3-07 and in the USAID/Department of Defense/Department of State *Statement on Security Sector Reform* (February, 2009), is a valid and appropriate definition for the term:

> *Rule of law* is a principle under which all persons, institutions, and entities, public and private, including the state itself, are accountable to laws that are publicly promulgated, equally enforced, and independently adjudicated, and that are consistent with international human rights principles.[2]

There was also a consensus that while this definition accurately reflected the appropriate rule of law end state for stability operations, approaches that incorporated more modest intermediate objectives were needed. This was especially true in the context of irregular conflicts where developing an effective and legitimate host nation rule of law framework requires significant efforts and resources, sustained over a long period of time.

Practitioners from the field suggested that transitional rule of law frameworks should focus on "good enough" without sacrificing the ultimate objectives reflected in the above definition. Guidelines for developing such a transitional framework should include ensuring that it is perceived by local communities as an improvement over prior conditions. The transitional framework should also demonstrate positive trends over time, with perceptible movement toward achieving the conditions reflected by the definition. SSR planning should recognize that initial rule of law frameworks may need to change as transitions occur in the process of restoring or strengthening host nation governance.

During the various events, the SSR objectives and guidelines laid out in FM 3-07 and the USAID/Defense/State *Security Sector Reform* paper were discussed at length. There was general agreement that the objectives were the right ones, and that the guidelines were appropriate and useful. This was tempered by suggestions that those objectives would take time to accomplish,

requiring an effective whole-of-government approach, sustained resources, and ongoing assessments to monitor and evaluate progress. As SSR efforts go forward, realistic and "doable" interim objectives will need to be established that generate positive trends. Demonstrating steady improvement to the host nation in the security area is essential. It will be important to manage the expectations of both external SSR implementers and host nation partners.

A consistent theme running through all three of the Workshops and revisited in the April conference was the need for revised funding processes and authorities. Current processes are characterized by stove-piping and functional specialization in both executive branch program design and Congressional funding mechanisms. The resulting fragmentation of program funding, design and implementation impedes the development of integrated and collaborative whole-of-government approaches to SSR. An integrated funding and authorization process that supports and encourages collaboration across agency and Congressional committee lines is needed. Also needed is flexibility in the field to determine priorities among SSR activities and among stability operations elements more broadly, and to shift resources and efforts among those activities as necessary to support the overall objectives of the stability operations effort.

Chapter 7
Achieving Immediate Developmental Change in Host nation Police

By Colonel Richard Megahan, PKSOI

Training indigenous security forces is also one of the most complex tasks in developing effective counterinsurgency strategy.…It is often even more difficult to take indigenous police and military forces with a tradition of incompetence and corruption and transform them into effective forces that can find and defeat insurgents without undermining the legitimacy of the government in the eyes of the population.

James S. Corum[1]

Security is the one "non-negotiable" aspect of stability operations. It is impossible to achieve any enduring stability of beleaguered host-nation institutions without first establishing a secure environment. Simply stated, from security everything else follows, for without it there would be no lasting achievements in governance.

Security is the paramount factor that directly affects conditions of stability of host nation institutions in crisis. It is a secure situation that enables the commencement of activities that lead to eventual recovery, growth, and development in economics and infrastructure, humanitarian and social well-being, governance and participation, and justice and reconciliation.

Police serve as the cornerstone of host nation security sector forces in counterinsurgency and stability operations. The police act as both facilitator and guarantor of progression to more stable circumstances. Police capability generation enables immediate security development, and police capacity enhancement reflects their larger organizational and transformational role in long-term protection of the precious gains achieved in stabilizing governmental institutions.

This paper addresses the imperative nature of capability and capacity building of indigenous police forces *during* stability operations. In particular, it is crucial that leaders of police forces are professionally developed through empowerment and enabling activities. Advisors should be assigned to work with police leaders at every level. Legitimacy of police forces and leaders is promoted initially through joint U.S. and Host nation presence patrols. U.S. Army maneuver formations are suitable for the early stages of police leader and police force development where presence patrols and infrastructure security tasks are essential.

An "Operations First" policy is essential: police forces must initially conduct operations before detaching elements for collective training in order to establish presence and respectability. Police forces must perform overt, high-profile community services on behalf of the citizenry. Development of police forces cannot be conducted unilaterally or in a vacuum, and there must be direct interaction with the other sectors of stability operations.

Local "neighborhood watch" or other informal irregular security forces must be incorporated into the overall security apparatus and must receive advisor teams. Police forces and military forces must collaborate and conduct joint operations as soon as practicable. Provincial reconstruction efforts, U.S. military force operations, and police and army advisor programs must all be integrated into a coherent, integrated provincial security reform approach.

This paper provides an on-the-ground perspective and observations of police force development in Diyala Province, Iraq, from 2007 to 2008. The paper also offers a framework for facilitating capacity and capability improvements, and describes the resources necessary to build a coherent, functional constabulary, based on community policing, during the execution of stability operations.

Diyala Case Study: Background

The situation in Diyala Province in May, 2007 was extraordinarily volatile, complex, fragile, and dangerous. Al-Qaeda insurgents and Shia extremists had succeeded in imposing greater influence over the population throughout the region, and the provincial capital had already been proclaimed as the "Islamic Caliphate of Iraq." Provincial institutions had collapsed. Insurgent elements were on the verge of achieving "shadow government" status due to their fundamentalist manipulation of the citizens of the province.

The primary Iraqi Army unit in Diyala Province was organizationally incapable of conducting counter-insurgency operations. The Iraqi 5th Division was in complete disarray following the removal of its commanding general, who had finally been relieved by the Minister of Defense for using his formations for sectarian death squads and Mafia-style criminal enterprises. 5th Division units were essentially combat-ineffective, having been reduced to performing checkpoint operations on 236 static locations across the territory.

The provincial capital of Baqubah was in a near state of siege. The provincial government was dysfunctional and ineffective, literally bunkered into their reinforced compound in the center of the capital city. Essential services were suspended, food ration deliveries were eleven months in arrears, and trash and sewage flowed in the streets. Few businesses dared to operate. The provincial police were nearly non-existent outside of their headquarters in the center of Baqubah, with only sporadic emergency services and no productive law enforcement activities being performed.

It was under these circumstances that Multi-National Division-North (25th Infantry Division) planned to conduct an extensive operation (OPERATION ARROWHEAD RIPPER, June to September 2007) to "liberate" Baqubah from the grip of the insurgents and reinvigorate programs to strengthen provincial institutions and re-energize governance across the contested region. The 5th Iraqi Division received a new commander and a new set of U.S. advisors. A second U.S. Brigade Combat Team arrived in the province, the Diyala Operations Command was established at the Provincial Government Center, and steps were under way to reinforce the U.S. Provincial Reconstruction Team to assist Diyala Governor Ra'ad in Baqubah.

While activities took place to address issues in the army and governmental spheres, the Provincial Police, on the other hand, did not receive the same level of advisor support as did the 5th Iraqi Division. The Provincial Director of Police was provided occasional advisory interaction from the Brigade Combat Team Provost Marshal. His staff and subordinate commanders in outlying districts received well-intentioned but sporadic assistance from a dreadfully over-stretched Military Police Company, whose mission included two other provinces.

Provincial police units were under-manned, under-armed, and inadequately led. Police corruption was rampant, and sectarian leanings destroyed most of the remaining legitimacy. "Neighborhood Watch/Concerned Local Citizen" elements emerged throughout Baqubah to fulfill the most basic

security tasks in the absence of bona fide police units. 5th Iraqi Division soldiers were hastily ordered by provincial authorities to perform infrastructure and law enforcement tasks in addition to combat operations and humanitarian efforts. Meanwhile, during the intensive combat in Baqubah, police units were deliberately targeted by insurgents who employed assassinations, bombings, and intimidation tactics to destroy police capability and capacity to intervene in the simplest of law enforcement tasks within the provincial capital.

Provincial police competency and legitimacy remained an issue as operations against insurgents were conducted throughout Diyala Province in the latter quarter of 2007 and the first quarter of 2008. The Provincial Director of Police continuously derailed efforts to execute joint police and army operations, was an open antagonist of provincial leadership of the Diyala Operations Command in planning security activities, and failed to produce police recruits in the numbers he received as authorizations.[2]

Outside of the provincial capital, there were constant issues with rosters, pay, uniforms, vehicles, and weapons. Areas where 5th Iraqi Army Division engaged in substantial combat with insurgents coincided with those locations the Police Director had failed to establish functioning police districts (Khalis, Kan Bani Saad, Kanaan, Muqdadiyah, among others). Police units were generally incapable of establishing checkpoints or securing villages or areas previously cleared by Iraqi Army units, especially in locations where strong Shia extremist remnants remained.

Police units sparred with Concerned Local Citizen/Sons of Iraq patrols, and there was open hostility exhibited between the Police Director and the leader of the Sons of Iraq. This animosity resulted in kidnappings, murders, robberies, and eviction of pro-Sons of Iraq townsfolk. Intense firefights occurred between Sons of Iraq and police in central Baqubah.

Policemen twice attempted to steal the provincial government payroll as it was transported to Baquabah from Baghdad before the 5th Iraqi Division was tasked to escort the money. The Diyala Province granary, mill, and petroleum storage site all had to be secured by Iraqi Army forces because police were incapable of keeping insurgents out of these facilities, or from detaining, stealing, or ambushing grain or oil tankers making deliveries.

Thus, provincial governance was under assault from all quarters and on the verge of imminent collapse. The inability of the police to secure the neighborhoods, streets, and businesses contributed immeasurably to the overall deflation of local and provincial government services available to the people. With no effective constabulary in operation, the first line of security was absent at a critical time in the campaign against Al-Qaeda insurgents. The Provincial Governor and the Diyala Operations Commander appeared powerless to reverse the continuing downward spiral of the police.

While U.S. forces were achieving success in counterinsurgency operations against hardcore Al-Qaeda fighters, and the performance of the 5th Iraqi Army Division was improving daily, the U.S. approach toward enhancing the activities of the provincial police seemed short-sighted and erratic. U.S. senior leaders took no immediate steps to correct deficiencies within the provincial police by “partnering” U.S. combat units with Iraqi Police, or by reinforcing the meager police advisor effort.

Observations

The following observations were collected during twelve months of close, personal interaction with Iraqi army, police, citizens, provincial government, Sons of Iraq, and U.S. Brigade Combat Teams. While all situations are unique, and each cluster of circumstances diverse and complicated, these observations suggest a constructive theme for achieving immediate developmental change in host nation police during stability operations.

Within the context and special situation confronting the contentious security situation Diyala Province in the spring of 2007, there are four fundamental points that stand out as imperatives for achieving immediate developmental change in host nation security forces: establish the constabulary; focus on community policing; empower and enable police leaders to conduct operations to establish legitimacy; and establish advisors for police force leaders. The observations expressed in this section of the chapter address how well these fundamentals were integrated and synchronized within the overall execution of stability operations.

Failure to First Establish the Constabulary

In spite of the emerging U.S. Army Counterinsurgency Doctrine, efforts in Diyala Province were focused on major, unilateral U.S. army combat operations against Al-Qaeda insurgents instead of being focused on developing police unit efficiency, manning, leadership, and reliability.[3] While U.S. advisors were provided at all echelons to the 5th Iraqi Army Division in Diyala Province, a similar provision did not exist with the police.

Consequently, just when it became apparent through other host nation sources that there were internal police leadership and organizational problems, U.S. leaders were unable to achieve full awareness of these police leadership and organizational issues, could not corroborate reports of police activities or claims of operations undertaken, and were unprepared to perform an in-depth assessment of the loyalty and reliability of the provincial police. Without a full-time advisor organization working with the provincial police, the U.S. leaders lacked insight and context on the situation concerning the provincial police.[4]

Incidents of district police sectarianism, criminal activities, political assassinations, or of “turning a blind eye” to the operations of extremists or insurgents, went largely unexplained due to the lack of advisors. In fact, already under-manned and over-stretched 5th Iraqi Army Division advisors at the battalion and brigade-levels were directed to assist in some form of oversight of the police within their respective areas of operation. Unfortunately, U.S. leaders failed to see that their overall success was inextricably connected to the success of the indigenous forces, especially the police, and that having dedicated advisors assigned to the police was a contributor to unity of effort in COIN.[5]

The speed with which police reconstitution and reform occurs is an essential factor in achieving stability.[6] However, successful re-establishment of police functions requires attention focused on “police first” rather than “army first.” The compendium of counterinsurgency case studies suggests very strongly that it is police operations, not military ones, that most effectively deny the insurgent all tactical advantages and legitimacy. Further, it is clear that host nation employment of its own police to perform search and cordon roles, roadblocks, area control tasks, and search and sweep missions is central to successful counterinsurgency.[7]

Along with the known difficulties of combating insurgents, organized crime and corruption also lurk just beneath the surface of day-to-day civil activities, but a comprehensive approach to stability and law enforcement begins with local policing. Issues of Rule of Law notwithstanding, U.S. leaders recognized the police as an essential arm of counterinsurgency operations, but were not disposed to extend manpower resources in the direction of local police institutional development. The value of population control and local intelligence gathering was also lost in the press to conduct near-unilateral U.S. combat operations against the Al-Qaeda operatives. Faced with the dilemma of prioritizing U.S. combat operations or village, district, or provincial police improvements, commanders chose to emphasize resourcing "traditional" U.S. combat operations.

Local policing provides a combat-multiplier in counterinsurgency operations. But this effect must be developed, integrated, and synthesized with other stability operations sectors, such as governance, humanitarian and social well-being, justice and reconciliation, and economics and infrastructure development, as well as all other U.S. and indigenous activities and elements of security operations. In every aspect of this development, host nation institutions must be empowered and enabled to transition to full operational capability, assuming responsibility for their own sovereign affairs. This empowerment and enabling comes in the form of the following factors: acknowledgement of the importance of community policing; gaining and maintaining police legitimacy; balancing provincial advisor focus, but first assigning police advisors; assigning advisors to local militias, since those advisors are integral to the local security apparatus when police are inadequate; clear definition of partnering or partnership relationships; and recognizing "empowerment" of Host nation institutional leaders (good/bad/ugly) as an imperative of transition and transformation.

Importance of Community Policing

Police forces are arguably the most critical security elements required for stability operations. In every task from traffic control to law enforcement to infrastructure guards to raids on insurgent safe havens, it is the local police who generate the psychological sensation of security and stability in the daily lives of the citizens. Police units are generally recruited from the local populace, which provides the added advantage of in-depth knowledge of the area and the ability to gather information, but it is really the notion of the community policing its own environment that has the greatest weight.

Community policing has an informal, or irregular, constituent, and this was particularly true in Diyala Province. First labeled "Sons of Liberty," then "Concerned Local Nationals," and finally "Sons of Iraq," the militia "units" that sprung from the wards of Baqubah were invariably former Sunni fighters who not only satisfied the need for local policing, but also envisioned a political platform in the process. In his paper comparing the development of indigenous police forces during the British counterinsurgency experiences in Cyprus and Malaysia, James Corum reminds the United States that community policing begins when a population is threatened by "instability and disorder," and inevitably turns to a "home guard" to secure its neighborhoods and market places when police institutions are incapable of performing the job.[8]

Corum concludes that local militia emergence occurs from the "natural desire for local security" and that it is politically unwise for a national government, and especially the provincial government, to disregard these "concerned local citizens." It is essential, though, that the provincial government determines how it will control and manage the process of integrating the

home guard into the mainstream security posture, not allow them to become rogue elements with a contrary political agenda, nor to see them employed as ersatz army forces by foreign army commanders.

While this is a topic that deserves treatment in a separate paper, suffice it to say that the temptation to "assume" the militias as a military resource was nearly irresistible, and that U.S. commanders in Baqubah saw a handy solution to insufficient "allied" military force structure, inadequate provincial government security design, and incompetent community police efforts. Unfortunately, this development overshadowed the fundamental problem of poor Iraqi police leadership, recruiting, organization, and employment in Diyala Province, as well as distorting the U.S. awareness of police capabilities and capacity in the counterinsurgency campaign.

Police forces are a clear threat to insurgents or guerrillas for the simple reason that the police have such close association with the average citizens. If the police elements are effective, they will have a highly visible presence in the neighborhoods, villages, and provinces, and it is this close connection to the people that enables the police to identify problems as they begin to unfold. One of the observations in Baqubah, and throughout the province of Diyala, was the degree to which police failed to identify problems and seemed to play into the hands of the insurgency through continued mismanagement, inaction, sectarianism, and separation from the people they were entrusted to protect.

Police did not routinely patrol, had terrified the citizens in earlier times, and their lack of concerted work with other host nation institutions fueled the speculation that the provincial leadership was operating along a different approach to reconstitution and stabilization. When Joint Security Stations (JSS) were established in Baqubah, the police were ill-prepared to participate. Provincial Police headquarters was secured by approximately one entire battalion-size police element, while JSS in western Baqubah could not field a full-time squad of police. Even worse, the available police lacked arms, ammunition, even food and water. Consequently, the responsibility of securing the local areas fell not to the constabulary but to the already over-tasked Iraqi Army.

The degree to which insurgents are anxious to terrorize the police and cause them to become ineffective in their security and intelligence tasks can be seen in the following excerpt from Robert Taber's *War of the Flea*. In this instance, the Cypriot rebel leader articulates a strategy that not only has an impact upon the police, but also extends to other governmental institutions as well:

> The aim of our next offensive will be to terrorize the police and to paralyze the administration, both in the towns and in the countryside. If this aim is achieved, the results will be threefold:
>
> Disillusionment will spread through the Police Force so rapidly that most of them, if they do not actually help U.S., will turn a blind eye to our activities.
>
> Active intervention of the Army in security, which will stretch the troops and tire them out [SIC]. The falling morale of the Army will also influence its leaders.
>
> In the face of our strength and persistence and the trouble they cause, it is very probable that the United Nations, through member countries who take an interest in Cyprus affairs, will see to bring about a solution.[9]

Police forces at the local and provincial level are critical to defeating insurgents and establishing security as well as to advancing conditions of stability that facilitate the regeneration of failed host nation institutions. There is no question why police patrols and headquarters are routinely attacked in Iraq or Afghanistan.

Gain and Maintain Legitimacy

Host nation police behavior toward the citizens they are chartered to protect is the prime indicator of the degree to which these very same citizens view the police as a valid government institution. In many societies, police are corrupt and use their power to enhance meager salaries or achieve Mafia-style manipulation of businesses, instead of actually looking out for the interests of the common people. In Diyala Province, reports from within the provincial government indicated widespread police corruption.

Legitimacy is not achieved overnight. Legitimacy occurs through the function of forthright leadership and transparent performance at every echelon of police command. Legitimacy comes from action, from performance, from production. The fact that Provincial Police did not patrol at night directly detracted from any sense of legitimacy as public servants and protectors they were trying to assume. This failure to patrol and occupy checkpoints after dark only made them more mysterious, and reinforced the belief that the police and their leaders were uncommitted to securing the province.

In Diyala Province, local police initially overcame some issues in legitimacy only after highly visible operations were conducted with the Iraqi Army. It was the army, not the police, that had achieved a reputation of looking out for the people, due to the active leadership, productivity of the command, conduct of the troops, and humanitarian assistance extended by the 5th Iraqi Division Commander. On top of this, the creation of Sons of Iraq entities, their close association with the 5th Iraqi Division, and their strong, professional performance as local security units, did much to continue to undermine any achievable legitimacy of the seemingly disassociated police organizations.

The people were reluctant to entrust their neighborhood security to police. They were uncertain of police behavior at checkpoints, and were not reassured when police convoys on city streets passed at high rates of speed, with truck loads of variously armed, ill-disciplined policemen trailing along like so many Keystone Kops as they moved their police commanders from place to place. Countless personal interactions with citizens of Baqubah and across the province were replete with demonstrations of great disdain for the behavior of the police and the complete lack of trust afforded that instrument of the government.

Unfortunately, the lack of police legitimacy affected army missions, causing more army troops to perform essential infrastructure guard missions, provincial government leader security details, and law enforcement tasks. This caused a corollary effect of taking more and more soldiers away from the manpower-intensive counterinsurgency fight in Baqubah and across Diyala Province, at precisely the moment when the MND-N leadership was asking for additional Iraqi Army forces. And an inability to resource advisors for the police detracted from the potential to develop police leadership and units, or provide insight and evidence of their illegitimate activities.

Focus on Advising Police Leadership

Many of the issues that occurred in Diyala Province were directly attributed to the inconsistent and isolationist leadership of the Provincial Director of Police. During the most volatile, uncertain conditions in the provincial capital at the height of combat operations, the Provincial Director of

Police often chose to disrupt, obstruct, or antagonize his superiors and contemporaries. He was not a genuine "team player," even though that is what his government needed him to be at that particular point in the campaign.

Contrary to his oratory in public pronouncements, police functions were in disarray. Police operations were non-existent outside the provincial police headquarters, recruiting was erratic, sectarianism was evident, and the army was performing most of the police tasks.[10]

Much of the misinformation and misapplication of resources occurred due to the lack of a full-time advisor for the Provincial Director of Police. Where an advisor would have been able to assist and suggest courses of action, be on hand to witness events, observe planning, and point out discrepancies in reporting and coordination, the absence of an equivalent advisor team for the provincial police, along the lines of the 5th Iraqi Division MiTT, was a great opportunity forfeited.

The following points are necessary for effective advising of police: person-to-person advising of provincial leaders: priority advising of police commander; avoiding assumption that HN police must be solely advised by U.S. Military Police; observing and assisting police command and control systems; supporting baseline law enforcement operations such as patrols, "Beat Cop" approaches, and checkpoints; monitoring and assisting in pay, equipment, training systems; recognizing and reporting the presence of overt and covert Sectarianism; and avoiding abuse of special response force units for army-specific tasks.

Success ultimately depends on action, but it is the host nation government's ability to recruit, train, organize, and employ its indigenous police elements that ultimately qualifies that success. Success is facilitated by person-to-person advising of provincial police leaders, a requirement that cannot be over-emphasized, since it is the development of police leaders that is vital. Improvement of police leadership must occur before institutional growth and development toward full capability and capacity can ever take place.

Person-to-person advising is leader development in action, across the breadth of the province, enhancing legitimacy through presence patrols, integrated operations with the army, overt support to civil authority and demonstrated care for citizens. The "operations-first" methodology ensures action at a time when action—even in the instances of poorly coordinated, disjointed, or unsuccessful operations—facilitates the establishment of legitimacy in the eyes of the population.

Is It Possible to Achieve Immediate Development of Police Capacity and Capability?

It is possible to achieve immediate development of host nation police if the assistance effort focuses on transforming the police as an institution. The ultimate objective of transformation is transition: transition from security force assistance to full operational capacity and capability of host nation police. This can only begin, however, with concerted understanding that transition is the mission.

The mission is not about U.S. unilateral military operations, or U.S.-directed Provincial Reconstruction Team activities, or stove-piped improvements in each of the stability operations lines of effort. Instead, the mission entails empowerment and enabling as the prevailing, and most enduring, philosophy. This approach involves key transformative steps focused on achieving reliability, capacity, and capability through empowerment and through the enabling actions of advisors. Transformative actions can be seen as a four-point approach.

- **Position police advisor teams throughout the police chain of command.** It is essential to resource advisors for the provincial director of police and staff, including district and local levels.
- **Ensure "24/7" advising across the police chain of command.** This does not require the assumed expertise in law enforcement of a Military Police brigade, but is a task

completely within the small unit leadership experience of combat arms formations. The initial advisory mission is not focused on developing forensic expertise, but is oriented on improving leadership and presence of police formations. An infantry battalion can "partner" with provincial police and conduct high-quality leadership advising during operations.

- **It is imperative to achieve a fused approach of advisor operations across all provincial institutions**. This entails synchronizing activities of police advisors with respective Iraqi Army advisors and Provincial Reconstruction Teams, urging a required coordination of all elements of provincial government to perform stability operations.
- **Police conduct "On-the-Job-Training" in the performance of day-to-day security tasks.** Police are out on the streets, on patrol, interacting with the populace, not barricaded behind headquarters compounds. Police are routinely accompanied by advisors as a priority advisor task, since conducting operations is the most important vehicle to build capability, reliability, and legitimacy. Individual or collective unit training occurs at a later time by pulling leaders and forces "off-the-line" as is practicable under the circumstances (leader and unit training), then reinserting into them back into the area of responsibility for their "practicum."

Development of a legitimate functioning police force should be the counterinsurgency and stability operations' main effort. Development of the police capability and capacity is the foundational element of successful stability and security operations. Indigenous police are the primary arm for stability operations, with the army functioning in direct support of police operations. Efforts among army and police forces should be inversely proportional, with police as the principal force, the army as the supporting force. Observations in Iraq suggest that U.S. military leaders are uncomfortable with this inverse proportion.

Resources for Immediate Change

Immediate change in police capacity and capability can be achieved if, first, the U.S. military attitude about the mission with indigenous security forces is transformed. Transition is not an esoteric goal to be accomplished by serendipity or happenstance, but that appears to be the prevailing opinion in current operations. Transition is the real mission, but in describing potential transition without practical steps of transformation of host nation institutions we only serve to subvert the scale of our own involvement in stability operations.

Commanders appear reluctant to embrace the notion of making police development a priority, unable to rationalize efforts to resource the development of police units at the expense of U.S.-unilateral, army-focused missions. Perhaps this reticence is a product of the deeply-ingrained U.S. Army organizational cultural relating to the Constitutional constraints of *posse comitatus*, possibly amplified by the mistaken perspective that only military police can mentor and coach indigenous police.

In the final and most pragmatic analysis, the issue comes down to resources. A commander of U.S. forces must determine if he will task organize his available combat power to something other than traditional combat tasks, especially when his success is measured in U.S. success, not host nation transition success. Yet the question of setting conditions for transition, through transformation, is more about formative philosophy than force structure. Capability-building through advising is compatible with combat operations, and it is a way of having your cake and eating it, too. After all, if there are manpower shortages that have an impact on the availability of forces to conduct stability operations, getting the indigenous forces to "whitewash their own backyard fence" is a reasonable and desirable solution.

Finally, no discussion of transition and transformation of indigenous police forces could be seen as feasible and acceptable without some thoughts about a planning methodology for police capacity building. Shown below is an outline of how to think about engaging in activities that will facilitate development of police forces (and security forces in general) to a higher plane of capacity and capability.

Practical and Philosophical Framework

- **Assess:** Notwithstanding pre-deployment preparation or detailed multi-echelon planning, performing a first-hand assessment of the situation on the ground is critical. The assessment should include personal observation of the deployment/employment of police forces, especially at night. It should address police discipline and leadership at the "squad patrol" level; response of the local citizenry to police presence, presuming there are foot/vehicle patrols and checkpoints; and synchronization of police tasks with military operations and essential services. The degree to which police leadership embraces the nature of stability operations must drive subsequent efforts to improve policing operations.
- **Advise:** Person-to-person advising is the most effective approach to enabling professional development and to building the tactical efficiency of police forces. Advising is manpower-intensive, but it facilitates the highest pay-off in effort. Often, the indigenous police leaders are in their positions due to political cronyism, nepotism, or some other form of position-purchasing schemes, and are frequently poorly trained and prepared to lead police and law enforcement operations. Assigning personal advisors to these police leaders is crucial. This is a full-time job, not an occasional "meet-and-greet" scenario. The objective is to change behaviors of police leaders, through empowerment, within the cultural and organizational systems that will remain in place long after the redeployment of advisors and other forces.
- **Action:** Getting police leaders to decide and lead operations they have planned is the primary task of advisors. Good, bad, or ugly, getting the police to act is vitally important. But it must be the leaders who determine how and where police elements will be employed. It could begin, given a fairly permissive circumstance, with re-deploying static traffic control checkpoints to more congested areas, or in establishing night patrols or guard posts of key infrastructure. Again, the key is to get the leaders to act, and to reinforce the imperative of action on behalf of public safety.
- **Assumption:** Ultimately, host nation indigenous police forces must accept responsibility for their own public safety, security, and law enforcement programs. This objective must be foremost in the minds of the advisors and coalition counterparts from the beginning of any involvement. After all, the transition to host nation full-operational capability is the end state.

This paper is intended to promote the theory that it is possible to achieve an immediate development of host nation police entities if a significant effort is undertaken as a matter of priority. U.S. Army institutional and organizational culture must be adjusted to reflect a hidden strength of U.S. Army leaders and units throughout its history: successfully advising indigenous forces during counterinsurgency and stability operations.

Commensurate with the acceptance of this view comes the understanding that not every problem requires a force structure solution. Again, we are back to mind-set, to institutional thinking. There is no need for a separate advisor corps and we have seen that dispatching billions of taxpayer dollars does not automatically equate to one effective police unit in Afghanistan.

Leaders of police forces are professionally developed through empowerment and enabling activities, with advisors assigned to work with police leaders at every level.

Legitimacy of police forces and leaders is promoted initially through joint U.S. and host nation presence patrols. U.S. Army maneuver formations are eminently suitable for the early stages of police leader and police force development where presence patrols and infrastructure security tasks are essential. Hand-in-hand with this point is the "Operations First" policy. Police forces must initially orient on conducting operations to gain invaluable stability operations or counterinsurgency experience, develop some expertise among police leaders during field operations, and most importantly establish their credibility and respectability among the populace before detaching elements for collective training.

Police forces must perform overt, high-profile community services on behalf of the citizenry. Police involvement in humanitarian operations, medical services programs, ration distribution, or disaster relief is not only essential to developing the reputation of public service, but is a vital ingredient of constructing a safe and stable environment for the people in the midst of crisis. In particular, police leaders must demonstrate that they embrace their charter as public servants, with a duty to all of their fellow countrymen, regardless of religious affiliation. This is a tall order, but fundamental to the long-term growth of police institutions.

Development of police forces cannot be conducted unilaterally or in a vacuum, and there must be direct interaction with the other sectors of stability operations. In particular, the presence and activities of local "neighborhood watch" or other informal irregular security forces must be incorporated into the overall security apparatus. U.S. commanders must be creative in fielding advisor teams to these organizations (U.S. Special Forces units, performing their traditional Foreign Internal Defense role, may be the most appropriate and most effective organizations for this task).

Police forces and military forces must collaborate and conduct joint operations as soon as practicable, since the primary objective is to demonstrate a collaborative, whole-of-government approach to host nation security. Synergy is achieved through simultaneous application of complimentary capabilities: police perform the lion's share of counterinsurgency tasks, with the army in direct support.

Finally, U.S. provincial reconstruction efforts, U.S. military force operations, and assigned police and army advisor programs must all be integrated into a coherent, integrated provincial security reform approach. Otherwise, these precious and irreplaceable resources will not be productively engaged and numerous opportunities for high pay-off outcomes will be lost. But most imperatively, U.S. involvement must view transition as the ultimate objective, take proactive steps in the introduction of advisor teams to develop capabilities of indigenous security forces, and embrace the approach that U.S. forces will achieve success through the "over-watch" of indigenous police and army forces.

Chapter 8
Piloting an Integrated Criminal Justice Development Project in Lira, Uganda

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Disclaimer: The opinions expressed by the author in this chapter do not reflect the official views of either the U.S. Department of Justice or the U.S. Agency for International Development.

Background

Almost immediately after Yoweri Museveni overthrew Milton Oboti and became the President of Uganda in 1986, a protracted armed conflict broke out in the northern region of the country between the Government of Uganda (GoU) and the Lord's Resistance Army (LRA), led by Joseph Kony. He claimed to possess magical powers and vowed to overthrow the central government and establish a regime based on the Ten Commandments. Between 1986 and 2006, Kony and his followers killed thousands of innocent civilians, kidnapped children and forced them to become among other things, porters, soldiers, and concubines for the movement. Children were coerced into murdering their friends and family members to make them complicit in the brutality. The conflict forced as many as 1.8 million people in Northern Uganda to flee their villages and seek asylum in Internally Displaced Persons (IDP) camps run by the GoU and international aid donors.

Between 1986 and June 2006, when the LRA and the Government of Uganda signed a cease-fire, Northern Uganda did not have a functioning statutory legal system. Soldiers from the Uganda Peoples Defense Force (UPDF) provided the only security in the area and the military, traditional legal systems, and local council courts were people's only recourse for justice. The local council system in Uganda ranges from LC5 positions at the top, comparable to mayors of cities, to LC1 officials who provide leadership to a village or cluster of villages. Although local council courts are only designed to hear minor disputes, during the war they heard criminal cases—including rape and murder.

Once the cease-fire went into effect and held, Northern Ugandans started a mass migration from the IDP camps back to their homes. The GoU and the international donor community focused on restoring the statutory legal system in the north to provide security and access to justice for the returnees. The Uganda Police Force (UPF) began hiring special police constables to help maintain security. These special police constables work on short-term contracts and receive only a small salary and minimal training compared with regular police. In 2007, almost no coordination existed between police, prosecutors, and magistrates in Lira, Uganda. Prosecutors were not talking to police investigators and explaining the rules and types of evidence that were needed to successfully prosecute cases. Police were not patrolling in neighborhoods or holding community meetings to understand citizens' concerns about crime and security issues. Magistrates were faced with a tremendous case backlog in the court system.

Community Policing and Community Prosecution

The philosophy of community policing seeks to build trust between police and citizens so they can work together in problem-solving partnerships to reduce and in some cases prevent crime. Some people associate community policing with certain initiatives that might be part of an overarching community policing philosophy, such as bicycle patrols, neighborhood watch, police sports leagues for troubled youth, or school police resource officers. These are all examples of means to reduce and prevent crime; they are not ends in themselves. The basic premise of community policing is simple: by developing effective communication channels with the public, police will better understand the crime threats and criminal activity that occur or is likely to occur in communities they are sworn to serve and protect.

Community policing is a proactive process, while the investigation of crimes is a reactive one. For police agencies to be effective, both processes must operate effectively. If a police department has a great approach to community policing but lacks the ability to investigate crimes, citizens will lose confidence in the police. Conversely, if a police department has outstanding investigative capabilities but makes no effort to work or engage with the public, citizens could become hostile toward the police. Interestingly, however, comprehensive, effective community policing programs can help improve the investigative capacity of police departments by promoting regular communication between police and citizens. In this framework, citizens can pass along useful investigative leads to police.

In the United States and other countries, successful programs have been launched that combine principles of community policing with those of community prosecution. Under this model, prosecutors work closely with police at the very beginning of the investigative process to determine if there is sufficient evidence to proceed with a case. If there is not sufficient evidence, this intervention will save police officers significant time they would otherwise have wasted writing reports on the case, and it will also save prosecutors time they would have spent reviewing unsubstantiated cases. Prosecutors also present “roll-call” training to police (named for the roll call at the beginning of a shift), which typically is a 15-30 minute presentation on legal issues related to crimes such as automobile theft, narcotics trafficking, and armed robbery. Roll-call training can include discussions about general rules of evidence, chain of custody, and interviewing and interrogation techniques. This improves the capacity of police to do their jobs effectively and provides an important opportunity for police and prosecutors to interact in a learning environment. Police and prosecutors also meet jointly with citizen groups to discuss community concerns and to stress that police and prosecutors are coordinating their efforts in the fight against crime.

Project Plan

In 2007, the Office of Democracy and Governance in USAID’s Bureau for Democracy, Conflict, and Humanitarian Affairs provided funding authorization to the Department of Justice’s International Criminal Investigative Training Assistance Program (ICITAP) to implement a community-policing program in Northern Uganda. After conducting an assessment in March 2007, ICITAP and USAID concluded that it would be more cost effective and sustainable to implement an Integrated Criminal Justice Development (ICJD) pilot project in Lira, Uganda. There are 27 magisterial areas (locations with magistrate courts) in Uganda, and only five of them are in Northern Uganda. Thus, if the pilot project proved successful in Lira, similar projects

might be replicable in Northern Uganda's other four magisterial areas. The goal of USAID and ICITAP for this pilot project was to improve the efficiency of Lira's criminal justice system by doing the following:

- Utilizing the philosophical framework of community policing to improve the relationship between police and citizens in Lira District;
- Improving the investigative capacity of both police constables and detectives through training and technical assistance;
- Providing community policing training to police and community prosecution training to prosecutors;
- Improving coordination between police, prosecutors, and magistrates; and,
- Providing very limited transportation upgrades to police, as well as equipment and physical refurbishments to the district police station in Lira Town (there is a Lira District and also a Lira Town).

In April 2007, USAID and ICITAP learned that the ICJD pilot project had to be completed by September 30, 2007, because any unspent funds would be returned to the U.S. Treasury at the end of the fiscal year. Thus, a four-and-a-half month implementation window was placed on a project that should have spanned at least eight months.

Project Implementation

ICITAP sent one team to Lira in May 2007 that was composed of a program manager who also served as a technical advisor to the police, a second police advisor, two police instructors, and a prosecutorial advisor. Due to work commitments, this original team had to leave in July 2007. It was replaced by a second team, which consisted of a program manager, who also served as a technical advisor to the police, a second police advisor, and a prosecutorial advisor. ICITAP initially planned to deploy the two police instructors to the Uganda Police Force's basic recruit training academy at Masindi to teach instructor development and community policing. This became impossible, though, when a cholera outbreak swept through the academy.

First Rule of Law Workshop

This workshop was the key to the success of the entire program. The critical elements for achieving success in any development initiative are to clearly understand the problems that exist on the ground and to obtain buy-in from the host country actors who are involved in the institutional processes to effect change. This means that a true collaborative partnership must be forged between program implementers and host country officials.

When team members met with police, prosecutors, and magistrates, each group blamed the others for problems that existed in the criminal justice system. On June 7, 2007, the ICITAP police advisors and the prosecutorial advisor convened a Rule of Law Workshop at the Lira Hotel to discuss issues and challenges in the criminal justice system. Attendees at this conference included the Chief of Police, police detectives (members of the criminal investigative directorate (CID), magistrates, prosecutors, Local Council leaders, special police constables, regular UPF constables, officials from the U.N. High Commission for Human Rights (UNHCHR), and

members of a U.S. Army civil affairs unit based in Lira. The ICITAP advisors facilitated a discussion among the participants about an actual criminal case that involved the rape of a six-year-old girl. During the discussion, the police, prosecutors, and magistrates looked at the issue through a problem-solving lens. During the discussion, the following points became clear:

- Locally assigned police have the duty to secure the crime scene, protect the evidence and arrest the suspect(s). The police, however, did not arrive at the scene for two days;
- The duties of the investigators from the Criminal Investigation Division (CID) are to investigate crimes, gather evidence, and locate witnesses. In this case, though, the investigators never arrived at the scene of the crime;
- The Police Doctor has the duty to document any injuries or evidence of the offense, but he was not able to travel to the crime scene; and
- Because the UPF lacked transportation funds, the victim and the witnesses could not travel to Lira Town to appear in court.

Since the incident had not been verified by the police, no arrest was made, no evidence was recovered, and no statements were taken from the witnesses or the victim for about a week.

A rich discussion of the problems in the criminal justice system ensued, and the workshop participants honestly discussed their frustrations with the overall system. This workshop was instrumental in helping the ICITAP advisors shape a practical implementation strategy that would improve coordination among the different justice actors while improving their individual capacities.

Technical Assistance and Training for the Police

The Lira District has a total of 156 UPF constables and officers, and 378 special police constables (SPCs). There are 20 women serving in the UPF in Lira and 21 female SPCs. The Child and Family Protection Unit assists citizens with family matters, domestic violence, sexual assaults, and child abuse. ICITAP's female police advisor (Team I) helped the Assistant Inspector of Police in charge of the unit to streamline administrative procedures and to properly use a digital camera.

Traveling to crime scenes with investigators from the Criminal Investigation Directorate (CID) gave the ICITAP team members an excellent perspective on the logistical and equipment challenges that police in the Lira District face. The ICITAP vehicles provided transportation for CID members to crime scenes, since they had no other means of getting there. The ICITAP team members did not provide specific operational guidance on the cases that the UPF were investigating, rather, they mentored CID investigators on general investigative techniques and practices. They taught the CID investigators how to take digital photographs of crime scenes, how to develop crime scene and photographic logs, and they discussed practical solutions to problems such as using rope to protect crime scenes when crime scene tape is not available. Teams I and II visited seven alleged murder scenes.

ICITAP advisors from Team I discussed extensively with police the rationale and strategies for conducting effective community meetings. This reinforced the fact that police in Lira needed to make more contact with the citizens they are sworn to serve and protect so people gain a better

understanding of the roles of police. The Team II Program Manager/police advisor developed a draft Lira District Community Relations Strategy for the consideration of the Inspector General of the UPF (Chief of the national police). In order to effectively communicate the philosophy of community policing, it is essential for police to have a uniform, widely accepted community relations strategy in place.

The Team I police advisors and the prosecutorial advisor worked over a three-week period with UPF constables and investigators, prosecutors, and with a magistrate to develop a 40-hour course, entitled "Building the Investigative Capacity of Police Constables Within the Community Policing Framework." The input of the prosecutors and magistrate was crucial to developing a legally sound curriculum that would help constables develop viable cases. When ICITAP presented the training, the prosecutors and the magistrate taught sections regarding evidence and court procedure. The constables asked many questions and expressed real appreciation to the prosecutors and the magistrate for their active role in the training. The course covered the following topics:

- Community Oriented Policing Objectives;
- Practical First Aid for First Responders;
- Human Diversity;
- UPF Ethics;
- Handcuffing Techniques;
- Arriving at crime scenes;
- Introduction to Physical Evidence;
- Criminal Law;
- Interviewing and Interrogation Techniques; and
- Report Writing.

ICITAP provided the students with a bound lesson plan and a package that contained paper, pen, ruler, and notebooks. The ICITAP advisors showed students how to gather evidence, and how to conduct victim/witness interviews, and suspect interrogations. The course contained several "hands on" outdoor and indoor practical exercises, one of which was an outdoor murder scene, complete with a man hired to "play dead." Class members were given various roles such as CID investigators, scenes of crime personnel, witness and suspect interviewers, media reporters, and crime scene perimeter personnel. During the exercise, scenes of crime personnel took photographs of the overall scene, and the victim and evidence prior to its collection and packaging. After the practical exercise, instructors analyzed participants' actions.

ICITAP trained a total of 71 UPF constables and special police constables in four iterations of the "Building the Capacity of Police Constables within the Community Policing Framework" course. Subsequently, the ICITAP advisors recommended to the Police Commissioner who the best instructors would be from this original group. ICITAP then trained a total of 22 constables and investigators in a one-week instructor development course, which contained the following topics:

- Learning goals and objectives;
- Constructing a training objective;
- Writing training objectives;
- Principles of adult versus child learning;
- Active learning;
- Training definition;
- Identifying tasks;
- Identifying task conditions;
- Measuring performance;
- Enhancing skills, knowledge and behavior changes;
- Minimum standards for performance measurement;
- Training aids;
- Job aids;
- Planning, preparation and presentation of training;
- Flexibility; and
- Facilitation.

The Chief of Police in Lira Town agreed that these 22 new instructors would provide training to other police members throughout the entire Lira District.

Technical Assistance and Training for Prosecutors

The Team prosecutorial advisor observed a number of trials at the Magistrate's Court in Lira Town. She noted that the majority of criminal cases did not have corroborating documentation or physical evidence, but instead consisted solely of a victim and/or witness statement. This was due to the fact that police did not have cameras or transportation to crime scenes. Since there was only one case file, police and prosecutors are forced to share. Because victims and witnesses often fail to appear in court, magistrates are routinely forced to grant multiple continuances. Twenty kilometers might as well be 2,000 kilometers in many instances. This highlighted the issue of cameras, because in some cases, if photographs are taken at the scene of a crime, which eliminates the need for witnesses to appear in court.

Over a three-week period in August 2007, the Team II prosecutorial advisor presented training seminars to the State Attorney and his two prosecutors, which covered principles of community prosecution, ethics, evidence, and admissible testimony. The prosecutorial advisor persuaded the State Attorney to meet with the police chief, local council leaders, and the chief magistrate to discuss better ways to collaborate during investigations and how community relations might be improved. The State Attorney agreed to conduct roll-call trainings for the police if the ICITAP police advisor and prosecutorial advisor would help coordinate such sessions. The prosecutorial advisor discussed with the State Attorney such issues as "chain of custody," the need to initiate

cases expeditiously, and the importance of police notifying victims to appear in court after suspects are arrested.

Additionally, the prosecutorial advisor carefully observed the State Attorney and his two prosecutors in court and then offered, at their request, analytical critiques of their performances. He then developed and presented specific training sessions designed to strengthen their skills.

Lira District Criminal Justice Leadership Meetings

On August 16, 2007, the ICITAP Program Manager/police advisor and the prosecutorial advisor facilitated a Lira District Criminal Justice Leadership Meeting. The Lira Police Chief, CID officials, an ICITAP trained UPF instructor, the State Attorney, a prosecutor, and the Chief Magistrate all attended. The ICITAP advisors convinced the group to agree to prosecutor-led roll-call training for detectives and constables. They also raised the possibility of establishing a court liaison officer who would pick up reports from police posts around Lira District and then deliver them to the State Attorney's Office in Lira Town for review. This would significantly speed up the process of case review since under the existing system, it takes a month to receive police reports in Lira Town from police stations around the district.

On September 18, 2007, the ICITAP Program Manager/police advisor facilitated a second Lira District Criminal Justice Leadership Meeting. The Chief Magistrate, a prosecutor, the Lira District police commander and deputy commander, the new CID superintendent, two CID investigators, a police corporal, two officials from the U.N. High Commissioner for Human Rights (UNHCHR), and two Catholic priests attended the workshop, which focused on the next steps for improving Lira's criminal justice system. The agenda covered the implementation of the Court Liaison Officer plan, next steps for community policing in Lira, and the juvenile mentoring and community service program, which the Team II prosecutorial advisor had suggested. Since there was no juvenile justice system in Uganda, he suggested getting priests to oversee community service work, which juvenile offenders would do as punishment for minor crimes. The priests at this meeting expressed their support for the concept.

Lira Police Station Refurbishment and Equipment Donation

The police station in Lira Town was about 50 years old and in terrible condition. It also lacked basic furniture and equipment the police needed to do their jobs properly. USAID/ICITAP spent approximately $25,000 on the police station refurbishment and on procuring furniture and equipment for donation. The refurbishment included the following:

- Roof repairs;
- Installation of electrical wiring (outlets, etc.) throughout the facility. (Prior to the renovation, facility received electricity from outside lines fed through the windows);
- Painting, plastering, and other structural repairs;
- Door and window repairs;
- Installation of mosquito netting for windows and vents;
- Plumbing repairs; and
- Main gate repairs.

The equipment and furniture USAID/ICITAP donated included the following:

- 100 men's bicycles, 50 women's bicycles, and four motorcycles to the Lira Police;
- One motorcycle to the Lira State Attorney's Office;
- Four video cameras, four still digital cameras, and accessories to the CID;
- Four laptops, printers, and accessories to the CID;
- Training equipment, including a projector and projection screen, to the Lira Police;
- Office furniture and supplies to the Lira District Police Station (e.g., file cabinets, safes, benches, chairs, desks, paper, etc.); and
- 24 first-aid kits, stored in field knapsacks, which included the book, "Where There is No Doctor: A Village Healthcare Handbook." The first-aid kits were distributed to police posts in Lira District.

Project Outcomes and Impact

In February 2008, an official from the UNHCHR office reported to ICITAP that a charity it works with had reported positive results from the USAID/ICITAP Integrated Criminal Justice Development pilot program. Field staff of Samaritan's Purse reported the following:

- Police have been traveling to the village level much more frequently to liaise with the community in issues of policing.
- The transport provided to the police has significantly aided the police to improve their response time, and has assisted the police in gaining access to remote rural communities.
- The Police are coordinating more frequently with the Local Councils (LCs); the LCs are reporting protection incidents directly to the police outposts where they are followed up, upon which the police give feedback to the LCs.
- Communities have more confidence and trust in the police, and they are now relying on the police to a greater extent as the police are proving themselves more capable of solving cases and bringing perpetrators to justice, given the improved transport and training provided. This means that community members are reporting more incidents to the police and LCs because they are more confident of justice.

In May 2008, eight months after its completion, a magistrate in Lira prepared a progress report on the ICJD pilot project and the impact it had on the police, State Attorney's Office, the Court, and communities to date. The magistrate said she had noticed a significant improvement in the quality of cases that were being presented in court. She attributed this improvement to witnesses being better-prepared, and effective exhibits such as photographs being used to bolster cases. The police's use of USAID/ICITAP-donated cameras allowed investigators to photograph crime scenes and victims, and this made cases more credible.

The Head of the Child and Family Protection Unit sent an e-mail to ICITAP that said 25 crime scene photographs had been instrumental in advancing 10 cases to the High Court. Only the High Court can hear capital cases, such as murder and rape.

The magistrate said a juvenile justice system had been institutionalized because of the spirit of cooperation being fostered when the Chief of Police, the State Attorney, and the Chief Magistrate signed the ICITAP facilitated Justice Memorandum of Understanding in August 2007. They pledged to work more cooperatively to improve the criminal justice system. The TEAM II prosecutorial advisor promoted the juvenile justice concept. Under this new system, juvenile offenders are placed in a strategic attachment facility where they serve their sentence while learning new skills such as carpentry and weaving. Churches play a key role by providing counseling and overseeing the juveniles' work activities. The magistrate said the GoU held a conference in Lira to discuss institutionalizing this juvenile justice concept at the national level.

A prosecutor in Lira indicated that since the initiation of the pilot project, prosecutors from the State Attorney's Office have provided roll-call training to police in Lira Town on topics such as the collection of evidence and the evaluation of evidence that is collected. This roll-call training improved the quality of cases police bring to prosecutors. When the State Attorney in Lira was transferred to a new district in October 2007, he tasked his new prosecutors with providing roll-call training to police. This is a powerful example of how an important element of the pilot project has been effectively institutionalized beyond Lira. After the pilot project concluded, the UPF in Lira began consulting with the prosecutors and subsequently began including prosecutorial elements in the weekly UPF radio show. This collaboration is being facilitated by the police community liaison officers. A prosecutor in Lira believes the relationship between police and prosecutors has greatly improved since the USAID/ICITAP pilot project concluded.

As of May 2008, the 22 ICITAP trained instructors had trained 200 other UPF constables and special police constables in the Lira District. The magistrate reported that police community liaison officers (CLO) have conducted a significant number of community meetings in the sub-counties and villages. At these meetings the CLOs explain to people how important it is for them not to tamper with crime scenes, which increases the chances that investigators will be able to collect useable evidence. The bicycles donated by USAID/ICITAP have allowed the CLOs to cover significantly wider areas. The motorcycles that USAID/ICITAP donated to the CID have allowed investigators to respond much more rapidly to crime scenes. Police members indicated that their morale had improved due to the professional appearance of the police station and citizens said the improved appearance and capacity of the police station increased their confidence in the police.

Lessons Learned

A grass-roots approach to criminal justice development is critical to complement a broader, national approach. This is particularly true in Uganda, where there is a strong emphasis on providing access to justice for all citizens. ICJD is a good way to link police directly to the local council leaders and citizens in communities, and when police and prosecutors partner effectively, citizens begin to appreciate that statutory law can operate efficiently. This approach will narrow the gap between the customary and statutory legal systems and might reduce mob justice.

When implementing ICJD in Uganda, it is important to target chief magisterial areas that will facilitate the most efficient working relationships between police, the State Attorney's Office, and the Chief Magistrate's Office.

Conducting a workshop and presenting a case study that representatives from the different institutions of the criminal justice system can discuss in the context of designing and implementing an ICJD pilot project will help create a framework that promotes sustainability.

An overview of basic investigative skills should be included in any community policing training program.

A strong partnership between police and local council leaders in Northern Uganda is essential for the success of ICJD.

Prosecutors and magistrates should be included in the curriculum development process for police training. They should also present police training topics that deal with legal issues.

Small initiatives can yield large benefits in the overall development of a criminal justice system. Examples include: teaching CID scenes of crime officers how to take good crime scene photographs, which enables cases to move forward in the courts; and having prosecutors provide short roll-call training sessions to police investigators during the week, which can have a positive cumulative effect on the police's ability to assemble good cases.

ICJD requires that a good balance be achieved between training, technical assistance, coordination of institutions in the justice sector, equipment donations, and infrastructure improvements.

USAID and ICITAP should collaborate with the United Nations on program implementation whenever possible. The U.N.'s presence in Northern Uganda and its expertise in post-conflict development make it a natural partner.

Good judicial assistance should be a critical component of ICJD.

U.S. judges, police advisors and prosecutorial advisors should work with senior criminal justice officials in Kampala to develop an ICJD framework that can then be implemented on a pilot basis in different areas. This will make an ICJD project easier to plan, implement, and evaluate.

U.S. judges can help reinforce the concept that simple solutions to complex problems are sometimes best, such as using a circuit riding approach to bring justice to rural areas. Court proceedings can be held under a tree, in a school, in a tent, etc. It is often not wise to spend millions of dollars in scarce aid funding to build new courthouses.

Improving institutional processes in the criminal justice system is much more important than improving physical infrastructure.

Conclusion

Re-establishing the statutory legal system in Northern Uganda is a difficult undertaking, for it has only been in the last three years that the region has begun to return to relative normalcy after a brutal 20-year war that inflicted terrible suffering on civilians. There are tensions between customary and statutory law, and people often resort to "mob justice" because they lack confidence in the criminal justice system. The Local Council system, however, provides an excellent coordinating framework for the Government of Uganda to reach down to the village level and demonstrate that the statutory legal system can work. Community Policing reinforces

the democratic ideal by encouraging people to partner with police to solve problems and combat crime and disorder. It is critical, though, that police investigative skills development be closely linked with the partnership building and problem-solving elements of community policing and that it be incorporated into the same training. It is great if police are polite and communicate well with the public, but if they lack the capacity to investigate crimes, people will lose confidence in them. If police cannot protect a crime scene, gather evidence properly, and conduct effective interviews, for example, the best-intentioned outreach initiatives to citizens will fail.

The USAID/ICITAP Integrated Criminal Justice Development pilot project in Lira, Uganda, demonstrated that improving the coordination and the individual capacity of the components in a criminal justice system can have a positive impact on people's access to justice at the grass-roots level. The key to the success of this project was that ICITAP demonstrated to Ugandan officials in Lira that they had ownership of the implementation process, and that every element of the project was tailored to meet the realities of the Lira District. Holding the judicial workshop in June allowed the different parties to voice their frustrations, and then to realize they could improve the criminal justice system by working together more collaboratively. ICJD pilot projects should be implemented in the other four magisterial areas of Northern Uganda. Serious consideration should be given to forming circuit riding teams of prosecutors, magistrates and paralegals that can hear cases at the village level. This is much more practical and cost-effective than pouring millions of dollars of aid into building new courthouses that few people can access.

Integrated Criminal Justice Development is not a panacea for all that ails criminal justice systems in developing countries. It does, however, provide a useful laboratory for criminal justice reform in which key principles and strategies can be developed and implemented at the grass-roots level, and if they prove successful, the lessons learned can then be applied to national level criminal justice systems.

Chapter 9
Rule of Law Lessons Learned

By Thomas Dempsey and James H. Nichols, PKSOI

Introduction

Restoring and promoting rule of law is one of the most critical elements of stabilization reconstruction in failed, failing, or fragile states. It is increasingly recognized as both a critical enabler of, and contributor to, security sector reform. U.S.-led stability operations in both Iraq and Afghanistan recognize rule of law as an essential component of a successful counterinsurgency strategy, and important lessons are emerging from both conflicts. This paper will review some of the most important best practices emerging from U.S. rule of law activities.

The following observations are based on a series of informal discussions with U.S. public and private sector actors who have served in rule of law positions in Iraq and Afghanistan, and in other countries with U.S. rule of law programs. Participants included U.S. Department of Justice (DOJ) assistant United States attorneys, U.S. Department of State Bureau of International Narcotics and Legal Affairs foreign service officers, U.S. military lawyers (Staff Judge Advocates), and contracted private sector attorneys, many of them with experience working as rule of law coordinators, advisors, or Provincial Reconstruction Team (PRT) members in Iraq or Afghanistan, or both. The conclusions in the paper reflect the views of the two authors, and are not intended to represent the official position or view of any U.S. agency, public or private.

Rule of Law Activities: The Role of Assistant United States Attorneys

Since 2007, rule of law activities in Iraq have been directed primarily by assistant U.S. attorneys (AUSAs) on detail to Iraq from their duties in the United States as federal prosecutors. They operate under the direction of the Deputy U.S. Attorney General and the Rule of Law Coordinator in Iraq, pursuant to an agreement between the U.S. Department of Justice and the U.S. Embassy Country Team. These AUSAs, who began deploying to Iraq in 2006, provide advice to the Chief of Mission, to other U.S. Country Team members, and to U.S. military forces operating within Iraq. As part of the Embassy Rule of Law Office, the AUSAs participate with colleagues from the Department of State and from the Department of Homeland Security in administering U.S. rule of law programs in the country, working in close coordination with the Multi-National Force-Iraq Office of the Staff Judge Advocate. They also provide direct advice and assistance to a broad range of host nation rule of law actors and officials.

This is a change to initial practice in Iraq, in which rule of law programs were overseen by foreign service officers (FSOs) from the Department of State Bureau of International Narcotics and Law Enforcement (INL), and actual advisor duties were performed by attorneys contracted by INL (although AUSAs were among the first attorneys assigned to Provincial Reconstruction Teams). The INL-contracted attorneys, some of whom continue to fill positions as rule of law advisors, have come from a variety of legal backgrounds in the United States, many of them from private practice. There is an ongoing debate within the U.S. interagency over which approach is most effective in providing for rule of law support to security sector reform, and to other stabilization and reconstruction programs in Iraq and Afghanistan.

DOJ AUSAs with experience in Iraq have affirmed that their official status as federal prosecutors was critical to establishing their bona fides with Iraqi counterparts. Their Iraqi counterparts understood the authority and experience that a U.S. federal prosecutor represented. The linkages of the AUSAs to the U.S. Department of Justice and ultimately to the U.S. Attorney General gave them a reach-back capability into the U.S. justice and law enforcement system that frequently proved critical to meeting the needs of rule of law programs in Iraq.

The AUSAs also asserted that their experiences with the full range of activities involved in operating a justice system were uniquely applicable to rule of law advisory tasks in Iraq. Rule of law advisors were frequently called upon to provide comprehensive advice and assistance to the full range of justice sector actors, including judges (at national, provincial, and local levels), prosecutors, defense counsels, justice administration officials, and corrections officials. AUSA attorneys have experience in all of these areas. As one of the DOJ veterans of multiple tours in Iraq put it, “we know right when we see it.” From the perspectives of the AUSAs, the benefits of deploying them as rule of law advisors were especially evident when contrasted with their contracted attorney counterparts, who frequently had no criminal or prosecutorial background, lacked any official standing with their Iraqi counterparts, and rarely possessed the network of U.S. justice contacts necessary for effective reach back to the U.S. justice community.

Former rule of law advisors also emphasized the highly personal nature of the advisory relationships established by DOJ AUSAs in the course of their duties in Iraq. Their status as formal representatives of the U.S. justice community lent weight to the advice that they provided to Iraqi counterparts. The AUSAs’ previous experience in overseeing criminal prosecutions and in making difficult prosecutorial decisions fostered the sense of the AUSAs having a critical set of common experiences with the Iraqi justice officials whom they were advising and assisting.

Extending the rule of law assistance and advisory effort to the full range of judicial bodies and justice institutions represented a major challenge in Iraq, and an even greater challenge in Afghanistan. Lacking sufficient personnel to establish a permanent presence with every Iraqi court, DOJ AUSAs developed a circuit rider approach to providing comprehensive assistance across the full range of Iraqi justice bodies. AUSAs stationed in Baghdad and with U.S. Provincial Reconstruction Teams made efforts to visit each local court every six to eight weeks. The AUSAs provided comprehensive advice and assistance to the full range of local Iraqi justice partners, leveraging the limited number of AUSAs in country to provide an immediate impact on justice and rule of law at multiple levels. The DOJ approach optimized the impact of AUSAs both vertically and horizontally in the Iraqi justice system.

The circuit rider model strengthened linkages between the national, provincial and local elements of the Iraqi justice system. It also provided an integrated picture of that system to the Country Team leadership at the U.S. Embassy in Baghdad, as is evident from the February 2009 “Rule of Law Strategic Action Plan and Assessment,” produced by the Embassy's Rule of Law Office. The model is also in use in Afghanistan, where it plays an even more critical role due to the more limited numbers of AUSAs detailed to support U.S. rule of law programs in that country.

Rule of Law Activities: The Role of INL Foreign Service Officers

INL represents an important partner where U.S. rule of law programs are concerned, in Iraq and Afghanistan as well as in other countries in which the U.S. is involved in support to rule of law. INL as an organization has extensive experience with program management that other actors supporting U.S. rule of law activities cannot match. The presence of veteran INL programmers who are able to administer complex initiatives created valuable synergies with the efforts of AUSAs.

INL program management expertise is complemented by the Bureau's familiarity with funding and authorization mechanisms that are essential to rule of law programming. Most rule of law funding is provided through the U.S. Foreign Assistance Act under the rubric of International Narcotics and Law Enforcement (INCLE) funds. INL's role as the primary administrator of that element of foreign assistance through the appropriate Country Team gives it a central role in the program design and implementation process that complements the activities of AUSAs and other rule of law actors. Of particular note here is the partnership that has been developed over many years by INL personnel in Washington with the congressional committees responsible for approving program funding.

Of particular value is the partnership that has evolved between INL and capacity-builders in the DOJ office of Overseas Prosecutorial Development and Assistance (OPDAT), and the DOJ International Criminal Investigative Training Assistance Program (ICITAP). OPDAT and ICITAP provide implementing partners for INL, which in turn furnishes access to the INCLE funding necessary to enable that partnership. OPDAT and ICITAP bring to the table the requisite technical skills and experience to support comprehensive approaches to justice capacity building.

Where rule of law support focused on institutional capacity building and reform, INL FSOs generally bring much deeper experience sets to the table than other rule of law stakeholders. The traditional INL focus on long-term capacity building in an institutional context facilitates the development of processes and structures that can more effectively support the AUSAs' individually focused rule of law advisory activities. INL FSOs routinely work with a broad range of very different justice systems, providing a context for institution building that few AUSAs have.

Rule of Law Activities: The Role of Contractors

Contracted attorneys recruited from private practice in the United States offer important advantages of their own, even if they lack the official standing of AUSAs or their INL counterparts. A senior Judge Advocate with extensive experience in Iraq pointed out that some of the contracted attorneys in Iraq were especially effective in an advisory role. In some cases, these contracted attorneys brought superior intercultural communications skills to the advisor mission, and established close and highly effective relationships with Iraqi counterparts. Some of the contracted attorneys also had a broader range of legal experience than that of their AUSA counterparts—commercial law, administrative law, and regulatory law, for example. This was especially important at the provincial level and below, where rule of law issues extend well beyond criminal prosecutions.

As previous experience with contracted rule of law and security sector reform programs has demonstrated, the use of contracted attorneys can permit a rapid scaling up (or down) of rule of law support, with more speed and flexibility than is the case with either INL FSOs or DOJ AUSAs. This flexibility is particularly important as rule of law efforts shift over time, in quality and scale, across different justice offices and jurisdictions. Rule of law activities can also be tailored to the unique needs of each locality through selective hiring of contracted attorneys having specific skill sets.

Rule of Law Activities: The Role of U.S. Military Forces

Deployed U.S. military forces have played an important role in building rule of law systems in both Iraq and Afghanistan. Staff Judge Advocates (SJAs) assigned to U.S. military organizations have formed the heart of that effort. AUSAs in Iraq and Afghanistan routinely partnered with SJAs in areas where U.S. military organizations were operating. All of the AUSAs interviewed commented on the value of collaborating with their SJA counterparts.

Operation Hammurabi provides an excellent example of military rule of law support. Initiated by Multi-National Division—Baghdad after the cessation of general hostilities in 2004, the operation established a program through which Iraqi justice officials were trained in basic administrative skills. The program also provided equipment and facilities necessary to restore justice services in the Baghdad area. Operation Hammurabi was conducted in partnership with INL using a combination of INCLE funding and Commander's Emergency Response Program (CERP) funds. It provided the necessary influx of justice assistance and training during the early stages of Operation Iraqi Freedom.

Rule of Law Activities: Conclusion

Programs focused on individual advising and mentoring, like those described by AUSA rule of law advisors in Iraq and Afghanistan, are valuable vehicles for capacity building, transformation, and reform in a transitioning host nations. Sustaining that effort will require institutional capacity building and structural reforms that are a core competency of INL. Leveraging the partnership developed in Iraq between AUSAs from DOJ and veteran FSOs from INL may offer an effective path to enhancing the effectiveness and legitimacy of individual host nation justice system officials while generating long-term, sustainable improvements in host nation judicial institutions and processes. In building that partnership, contracting attorneys from private practice in the United States can complement the efforts of both AUSAs and INL FSOs in important ways, providing the ability to respond rapidly to changing requirements and tailoring the rule of law support effort geographically and contextually.

Military rule of law efforts in Iraq complemented and facilitated the activities of AUSAs and INL FSOs. SJAs played a particularly important role in this process. The bridge that the SJAs provided between the Country Team rule of law strategy and the operations by U.S. military components in country was an important element in the successes achieved.

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Chapter 10
The Role of Non-State Security Actors in Security Sector Reform: Hunting Societies in Sierra Leone

By Thomas Dempsey, PKSOI

Introduction

Non-state security actors tend to proliferate in weak and failing states, primarily in response to loss of functionality and legitimacy among state security forces. The influence of non-state actors could be a positive or negative one, depending on their character and the environment in which they operate. Efforts to shore up the legitimacy and functionality of the state security sector must assess the role of non-state actors and determine how—or if—they should be integrated in security sector reform (SSR) activities.

Case Study

The civil war in Sierra Leone witnessed the emergence of several non-state security actors in the form of traditional "hunting societies." These societies had clear ethno-linguistic and geographic identities. Called *Kamajors* among the Mende-speakers of the South, *Kapras* by the Temne, *Tamaboros* among the Koranko, and *Donsos* among the Kono, the hunting societies came to be referred to collectively as Civil Defense Forces (CDFs) by ECOMOG peacekeepers. Despite their lack of formal state sanction, the CDFs assumed prominent roles as local security providers in and around their rural villages as governance in Sierra Leone moved toward complete collapse during the mid-1990s. The *Kamajors* in particular became unofficial partners in the military intervention launched by the Economic Community of West African States (ECOWAS) to remove the Armed Forces Revolutionary Council (AFRC) and their Revolutionary United Front (RUF) allies, who had seized power in Sierra Leone in 1997. ECOMOG, the military arm of ECOWAS, successfully restored the democratically elected government of President Tejan Kabbah in the spring of 1998, assisted by several thousand CDF (primarily *Kamajor*) fighters.[1]

The ECOMOG experience with the CDFs offers some important lessons with respect to non-state security actors. Although ECOMOG forces realized some significant benefits from its association with its *Kamajor* partners, it also incurred some heavy costs. Those costs became especially evident as ECOMOG sought to affect a transition of authority back to the host nation government of President Kabbah following the restoration of democratic rule in 1998. The experience of Sierra Leone offers several lessons in both the risks and benefits of partnering with non-state actors.

The case of Sierra Leone demonstrates that non-state security actors can play a critical role in satisfying local security needs and in facilitating the operations of intervening forces during the early stages of a peace or stability operation. This is especially true when military forces are intervening in failed and collapsed states, or states with significant "ungoverned spaces." At the same time, employment of non-state security actors as surrogates for state or external forces can create serious problems for any subsequent transition to host nation sovereignty. They can also have unanticipated consequences for persistent conflict within the host nation, in some cases perpetuating or exacerbating that conflict.

The ethnically based hunting societies in Sierra Leone were part of the traditional system of socialization in rural villages. Closely associated with customary tribal ruling structures, groups

like the Kamajors initiated males into the responsibilities of adulthood while preparing them to augment the diet of rural villages by hunting the small game found in forests of Sierra Leone. Kamajors began learning hunting skills from a very young age under the tutelage of the villages' most experienced and successful hunters. A mature member of these hunting societies was a skilled tracker, intimately familiar with the environment around his village, accomplished with traditional weapons and with the limited firearms available to rural hunters (typically single-shot rifles and shotguns). In addition to his knowledge of the environment, the Kamajor, like his Tamaboro, Kapra, and Donso counterparts, had a detailed grasp of the human terrain in his region. Members of the village-based hunting societies knew who belonged and who didn't; who was related to whom; who had joined the RUF (and generally where their base camps and areas of operation were, at least those in proximity to the Kamajor's village); and who was sympathetic to central government authorities and who was not.

The hunting societies had a "chain of command" of sorts, based on a combination of seniority, demonstrated proficiency as a hunter, and familial relationships within the village and its resident clans. This pseudo-structure, and the skill sets that it supported and nourished, lent themselves to the transformation of the hunting societies into paramilitary organizations focused more on security than on hunting. This potential was not lost on the Freetown-based elites struggling for power in the post-independence period. As conflict accelerated in the 1980's, ethnically based political parties began exploiting the hunting societies to mobilize support and enforce their agendas in their areas of influence. This practice reinforced the evolution of the hunting societies into local security providers. As the civil war in Sierra Leone escalated in the 1990s and the state slid rapidly toward complete failure, the Kamajors looked less and less like hunters, and more and more like local militias focused on community self-defense—leading to the use of "civil defense forces" as a descriptor for the groups.[2]

By early 1998, hunting society militias were providing the only functional security presence across much of rural Sierra Leone. Essential government services had collapsed entirely in most of these areas. After almost a year of military rule, the security forces of the AFRC were little more than predators themselves, while the RUF openly assaulted rural communities in the south and east. The hunting societies emerged as a local response to both the lack of effective security from RUF attacks and the predatory behavior of the state security services.

The ECOMOG forces that intervened in February of 1998 to remove the junta of Johnny Paul Koroma were drawn from the forces that had restored order to Liberia prior to 1998. These forces were heavily armed, experienced, generally well led, and superbly supported, thanks largely to the U.S.-led international support effort, which began in 1996. The predominantly Nigerian and Guinean troops included mechanized infantry battalions, towed and self-propelled artillery, and Nigerian Alpha Jets flown by veteran pilots who had been providing close air support in both Liberia and Sierra Leone for several years. In terms of combat effectiveness, ECOMOG towered head-and-shoulders above any other military organization in the Mano River region.

The "Achilles heel" of the ECOMOG battalions was found in their limited numbers, the nature of their opposition, and their lack of familiarity with the area of operations in Sierra Leone. ECOMOG launched its offensive with only six infantry battalions, most of them Nigerian units from Liberia. These battalions easily defeated the main AFRC forces and their RUF allies, but lacked the necessary forces to garrison the liberated areas. As organized resistance to the ECOMOG advance collapsed, most rebel forces dispersed into the rain forest and degenerated into

criminal bands. Villages and towns in the rear of the advancing ECOMOG troops found themselves in desperate need of protection from these marauding former rebel forces. ECOMOG mechanized infantry companies and battalions were ill-prepared to cope with this kind of irregular threat. Lack of familiarity with the difficult terrain exacerbated the situation.

The road networks throughout most of Sierra Leone are primitive at best. Few of the roads are hard surfaced, and navigation is difficult. Much of the terrain is mountainous, with dense forest cover in the south and east. The rivers that proliferate in Sierra Leone are deep and very fast, traversed by bridges only along the few major roads, and pose major obstacles to military operations. Accurate topographical maps are still unavailable for much of the country. The most common map in use by ECOMOG forces in 1998 was a Shell Oil Company map from the 1960s, showing only major towns and primary roads. The terrain is ideal for irregular forces.

ECOMOG commanders, lacking sufficient strength to occupy vast stretches of the Sierra Leone rain forest, turned to the hunting societies as means of compensating for both lack of forces and for ECOMOG's limited knowledge of the operational area. The hunting societies were already playing an active role in providing security at the local level. The Kamajors, in particular, had been actively resisting the depredations of both rebel AFRC units and the RUF prior to the ECOMOG intervention. Their partnership with the West African peacekeepers dispatched to topple the rebel government seemed to ECOMOG commanders to be a logical and common-sense solution to a difficult problem set.

Collaboration with the hunting society militias, which came to be known as the Civil Defense Forces, yielded significant benefits for ECOMOG in the early stages of the campaign. ECOMOG battalion and company commanders advancing from the Liberian border integrated Kamajor bands directly into their tactical units. Kamajors were employed as scouts and as irregular auxiliaries in operations targeting rebel base camps deep in the Sierra Leone rain forests. The Kamajors provided information on roads and bridges, identified potential obstacles to movement, and indicated areas where AFRC or RUF resistance could be expected. Kamajors supported ECOMOG by identifying rebels and rebel sympathizers in the towns and villages occupied by ECOMOG forces, and by manning checkpoints established in areas behind the advancing ECOMOG troops. As ECOMOG troops advanced deeper into Sierra Leone, some groups of Kamajors accompanied the leading units, while others remained behind in liberated areas with an unofficial charter from ECOMOG to provide local security for their respective villages and towns.

The pattern of ECOMOG-Kamajor collaboration in the south was replicated in other areas as ECOMOG units advanced north and east from the Freetown peninsula. The practice was initiated by junior officers as a makeshift response to their shortage of troops and lack of familiarity with the environment. It became official policy as the ECOMOG Force Commander, and ultimately the reinstated government of Tejan Kabbah, embraced the CDF militias as full partners in the security arena. The policy yielded several tangible benefits to both ECOMOG and the returning government of Tejan Kabbah in the early stages of Sierra Leone's recovery from failed state status.

Collaboration with CDF bands conferred a measure of local legitimacy on the advancing ECOMOG forces. This benefit was most clearly evident in the ECOMOG-Kamajor partnership in Mende-dominated southern Sierra Leone. Kamajors were an integral part of traditional Mende society. They were recognized as the protector of last resort in villages and communities where the government had long since ceased to provide any effective measure of security or public safety. By

openly partnering with Kamajor bands, ECOMOG forces were able to portray themselves as intervening on behalf of the Mende communities from which those bands had derived and upon whose behalf they acted. In a country in which virtually all state security forces had become symbols of corruption and repression, the legitimacy conferred on ECOMOG units by their Kamajor partners was a key factor in their ability to restore state authority on behalf of the Kabbah government.

Use of the hunting societies as irregular auxiliaries extended the reach and effectiveness of badly overstretched ECOMOG units. Kamajor scouts provided guides with detailed knowledge of the terrain, enabling more rapid advances by ECOMOG tactical units. Kamajors helped to locate bands of rebels and RUF forces that had withdrawn into the rain forest, and facilitated the effective engagement of those bands by ECOMOG troops. Absent the assistance provided by the Kamajors, it is highly unlikely that the ECOMOG infantry battalions could have maintained the momentum of their advance. It is also unlikely that ECOMOG could have reduced the threat of marauding bands sufficiently to permit the effective employment of the hunting societies as garrisons in liberated areas. In concrete terms, use of the hunting societies enabled ECOMOG to accomplish a mission that should have required a minimum of 15,000 troops with less than half that number.

The customary practices, structures, and rule sets of the hunting societies provided some level of functionality in providing essential security services to local communities. The Kamajor role as communal hunters instilled an analog for a tradition of public service, reinforcing their legitimacy as security providers in their home villages. Hunters were skilled in the use of traditional weapons; older and more experienced members of the societies possessed a limited number of modern hunting rifles and shotguns, and were proficient in their use. Knowledge of the environment helped the hunting societies provide warning of threats and monitor conditions in the surrounding areas. While hunting skills did not equate to military or even paramilitary training or experience, those skills did have some utility in responding to lower-level threats.

As ECOMOG forces advanced deeper into Sierra Leone, the hunting societies were able to partially fill the security void in those areas liberated from RUF and rebel forces. Kamajors in the south, for example, manned checkpoints, patrolled roads between villages, and provided an armed presence in local communities. That presence acted as a deterrent to marauding bands of former rebels and to surviving RUF forces seeking to re-infiltrate liberated areas. In providing an armed security presence, Kamajor bands addressed, albeit in a limited way, the continuing failure of state security forces to provide for public safety, and reduced the need for ECOMOG garrisons in rural areas. The benefits of the partnership between hunting societies and ECOMOG peace enforcers were clearly evident to the tactical commanders directing ECOMOG operations. What was not immediately evident were the negative consequences of that partnership, which would emerge clearly as ECOMOG sought to consolidate its gains and transfer authority back to the elected government of Tejan Kabbah.

As the hunting societies had become more politicized during the late-1980s and early1990s, their traditional character had already begun to recede before their factional role as surrogates and local “enforcers” for ethnically based political parties. Association with political organizations that were notorious for corruption, and which were becoming progressively more violent in their activities and methods, undermined the traditional legitimacy of the hunting societies. Lansana Gberie described this process eloquently in his history of the war in Sierra Leone.[3] By the time of the ECOMOG intervention in February of 1998, many Kamajor bands had become the equivalent of

ethnically based arms of resistance to AFRC/RUF rule. As ECOMOG encouraged the hunting societies to function as paramilitary auxiliaries, and assisted in their deployment outside of their traditional areas of operation, this de-legitimizing process accelerated.

As Kamajor bands became the only functional security bodies in their villages, they quickly revealed significant limitations as security providers. The abilities and expertise fostered by communal hunting activities did not equate to police first responder skills. Hunting society members lacked any training in law enforcement. Customary hunting practices were not related to the application of coercive force among or on behalf of community members. The only context upon which Kamajors and other CDF forces could fall back on where use of force was concerned was experience resisting AFRC soldiers and RUF fighters, and participation in the violence-prone world of Sierra Leone political competition. Neither experience provided functional community policing skills.

The use of ethnically based non-state actors as security providers was also problematic among community members who were not members of the ethnic majority in the community. Non-Mende villagers were understandably skeptical that Mende-speaking Kamajors would act to protect their interests, especially where those interests were challenged by Mende neighbors. Since almost all communities in Sierra Leone included a fairly broad mix of ethnicities, this problem was a significant one. Kamajors routinely intervened in disputes on behalf of their friends and family members. Even where a genuine ethnic bias may not have been present, the appearance of bias was clearly discernable among minority community members.

As ECOMOG forces facilitated the deployment of Kamajor and other CDF militias beyond their home villages, the limitations of those militias became more evident. Lacking detailed knowledge of local human terrain, the CDF default was to identify civilians of other ethnic groups as RUF or AFRC sympathizers, if not actual fighters. Viewed as outsiders by local residents, CDF forces accompanying ECOMOG troops into unfamiliar areas were treated with suspicion and frequently with hostility, a sentiment that the CDF returned in kind.

The CDFs were typically not furnished regular salaries by their ECOMOG sponsors or, subsequently, by the restored government of Tejan Kabbah. In lieu of cash compensation, the hunting society members were generally provided with “assistance in kind”—food—on an intermittent and unreliable basis. Lacking adequate compensation, and deployed outside of the village-based traditional structures that normally supported, and were supported by, the societies, CDF checkpoints became vehicles for self-aggrandizement on the part of Kamajor and other CDF personnel. Not surprisingly, the burden of this practice was borne disproportionately by ethnic groups with affiliations other than those of the CDF members. Falling on ground already fertilized by years of ethnically based violence, the ECOMOG-CDF partnership perpetuated ethnic division within Sierra Leone and fostered a continuation of violence among members of different ethnic groups. The farther from their traditional homes the CDF members were deployed, the more pronounced this problem became.

Lack of effective oversight and management exacerbated the abusive practices and ethnic tensions, which attended the ECOMOG-CDF partnership. The societies themselves lacked any kind of statutory framework for their activities or operations. The hunters were almost all illiterate, rooted as they were in a traditional rural society where modern educational opportunities were limited to non-existent, making any statutory framework of limited utility even if one had existed. Authority

was exercised informally based on the age, personal influence, family connections, and the demonstrated proficiency of the individual hunting society member. Internal oversight and management mechanisms were also informal, a function of socializing by the "bush schools" in which adolescent boys learned their hunting skills prior to being admitted to the society as an adult member. Organizational structure seldom extended beyond the local level, making identification of a clear "chain of command" almost impossible above the level of village-based bands, and rendering accountability problematic.

In the absence of effective institutional controls, serious abuses by Kamajor and other CDF forces became widespread. The vicious nature of the war with the RUF, and the almost pathologically violent behavior of the AFRC "sobels," had already created an environment where human rights were routinely violated by almost all sides.[4] Casting the Kamajors and their sister CDF organizations in the role of security providers empowered groups that had already been brutalized by this environment. Lacking functional systems for establishing or maintaining accountability, and also lacking established standards of behavior for the use of force in either a military or a law enforcement context, it was not surprising that the hunting societies engaged in serious human rights violations.

Instances of misconduct by their Kamajor and other CDF partners badly undermined the authority and legitimacy of ECOMOG forces. The widespread abuses by the CDFs ultimately endangered the transition to host nation authority, which was seen as a key requirement for ECOMOG withdrawal. Almost as damaging as the CDF human rights abuses was the perception that the CDFs were operating beyond the effective control of either their initial ECOMOG partners or ECOMOG's successors in the government of President Kabbah.

As ECOMOG's Kamajor partners increased in numbers and extended their presence across Sierra Leone, the lack of any mechanism for exercising direct control of their operations became increasingly evident. ECOMOG forces were still able to exercise direct control of Kamajor bands where ECOMOG units were physically present. Unfortunately, ECOMOG continued to lack adequate forces to maintain a presence in all of the areas they had liberated, a problem that was exacerbated by the need to concentrate ECOMOG forces for a final assault on RUF strongholds in the east. As a result, broad areas of Sierra Leone had no ECOMOG presence at all, leaving Kamajor bands to provide functional security without any effective control or oversight from ECOMOG officers.

As ECOMOG sought to transfer authority to the reconstituted host nation government, the Kabbah administration was confronted with the Hobbesian choice of either endorsing the CDFs as security providers, or acknowledging the government's inability to provide this essential public service. The government had little choice but to continue the partnership with the CDFs established ECOMOG, but with even less capacity than ECOMOG to provide effective control of the Kamajors or their Tamboro, Donso, and Kapra counterparts. As it became evident to local communities that the CDFs did not answer to any part of the central government, the legitimacy and functionality of the Kabbah regime suffered accordingly.

President Kabbah sought to address this problem by appointing one of the most powerful Kamajor leaders, the Mende Chief Hinga Norman, as his Deputy Minister of Defense (Kabbah served as his own Defense Minister). It quickly became evident that Chief Norman had a different agenda from that of the Kabbah administration. President Kabbah was forced to dismiss Norman, escalating a

highly public and politically damaging breach with the hunting societies at a critical moment in the transition from ECOMOG to Sierra Leone host nation authority. Chief Norman would ultimately be arrested and imprisoned by the Sierra Leone Special Court for abuses committed by his Kamajor followers. The hunting societies themselves would have to be disarmed by the British-supported United Nations Peacekeeping mission that succeeded ECOMOG in Sierra Leone in 1999. The damage done to the process of state recovery, and to the progress of security sector reform in Sierra Leone, was profound.

Conclusion

Balancing the benefits and the costs of partnering with hunting society militias in Sierra Leone is a complex and difficult undertaking. The value of their support to ECOMOG in the early stages of the intervention is difficult to overstate. Without the participation of the Kamajors, the task of ejecting the AFRC and their RUF allies from power in Sierra Leone would have been far more difficult and time-consuming. Security conditions in the rural areas might have deteriorated to a much greater extent, with a correspondingly higher human cost.

On the other side of the ledger, the CDF partnership generated its own costs in human suffering and loss of life as the hunting societies reignited ethnically-based violence and perpetrated their own abuses in local communities. These direct costs accelerated over time. As predatory and abusive behavior by hunting society members increased, their lack of accountability to either ECOMOG or host nation authorities became progressively more evident, undermining the legitimacy and functionality of the host nation government.

The most important lesson emerging from experience with hunting societies in Sierra Leone may be that collaboration with non-state security actors, while not the preferred solution, might sometimes be the only feasible course available to intervening forces. In these circumstances, collaboration should, to the extent possible, be limited in time and scope. External forces should collaborate with reconstituting host nation authorities to mitigate the loss of legitimacy that seems to be an inherent feature of partnering with non-state security providers in the violent and chaotic world of recovering failed states. Early planning for the incorporation of non-state security actors into Disarmament, Demobilization and Reintegration programs, and the implementation of such plans at the earliest opportunity, could provide a useful damage-mitigation strategy where collaboration with such actors is dictated by necessity.

Chapter 11
Non-State Actors and Security in Afghanistan

By Michael Metrinko, PKSOI

Introduction

Let me start by telling you up front that I have no solution to the security situation in Afghanistan, or to the questions of violence, crime, insurrection, or militias versus army versus police as institutions. Foreign armies have come and gone across that country since time immemorial, each one trying to make changes there. In today's world, I include NGOs, the United Nations, the wide spectrum of international organizations and agencies with plans and ideas for police training, rule of law and governance, and even well-intentioned individuals and philanthropists in this army. Ultimately, and here I quote from "Cultures and Organizations: Software of the Mind," by Geert Hofstede, "Nobody can develop a country but its own population. Development is in the minds, not in the goods. Foreign money and foreign expertise are only effective to the extent they can be integrated into local knowledge."[1] I believe that this applies to the question we are addressing today about the role of militias in Afghanistan.

A lot has changed since the Taliban regime was overthrown. In early February 2002, just a short time after the U.S. Embassy had re-opened in Kabul following a 12-year absence marked by civil war, the rise and fall of the Taliban regime and the American invasion aimed at ousting Al-Qaeda and the Taliban who supported them, a colleague and I spent a week visiting all the existing police precincts in Kabul. We met with police officers ranging from the Chief of Kabul Province through men at various sub-offices, met with staff at the police academy, sat with police in their offices and precincts, and rode with them through the city, trying to obtain a clear picture for the State Department of the overall status of the police force.

These were early days—the honeymoon period—of our presence in Afghanistan. The city of Kabul had no services to speak of, and a very large portion of it was a flattened ruin because of the civil war. Offices were stripped of supplies and even furniture, electricity, and running water and even window glass were all hit or miss, and the men in charge in many cases were brand new, quickly placed in office after the Taliban regime and its top supporters had fled the city. The new officials owed their allegiance to friends and the warlords who had given them their positions, and the police institution as such was just a shattered remnant left behind by the various political tides that had washed across Afghanistan as coups, assassinations and war had swept away the old Shah, the regime of Daoud Khan, various communist governments, the mujaheddin and finally the Taliban. For three decades, the trained police and security personnel took part in these political upheavals and disappeared into successive prisons, faced firing squads, were buried in anonymous mass graves, or escaped to refugee camps and settled in other countries.

In 2002, the Internet was still unknown in Kabul, and the city's antiquated telephone system was unworkable. Much of the police academy was in ruins, and when I asked the Chief of Police about conditions for the police in other parts of Afghanistan, he told me that his office had no contact with other cities because there was no way to communicate with them and hadn't been for many years. "We know there must be police out there," he said, "but we don't really know who they are or what they are doing." If there was a semblance of order and peace in the country, it was the result of sheer exhaustion following almost 30 years of conflict. But this was the peace of the

graveyard, and not the institutional stability that development, continuity, training and general acceptance of law and order bring about.

During the Emergency Loya Jirga held in the summer of 2002, delegate after delegate from all around Afghanistan stood up to list their region's needs, and almost without exception, they stressed "security" as the first priority. Without security, education, medical care, commerce, and general administration would be almost impossible. But by security, these speakers did not mean more men in uniforms.

The coalition and western advisors saw civil security in metric terms, measured in terms of trained units, police posts, weapons, uniforms and police vehicles. They viewed the institutions of security in terms of modern American and European models, ignoring the fact that present-day western institutions grew up over hundreds of years, were based on a different view of what "law and order" meant, and depended on generous government budgets, rapid communication, a general feeling of respect from the populace toward security institutions, universal literacy and a salary schedule that made police and security work an attractive form of employment. Unfortunately, almost none of this applies to the Afghan reality.

For several decades, security in Afghanistan had been upheld by a combination of tradition, community consensus and sometimes draconian measures, much of it applied without recourse to the system of trials, courts, prisons and appeals that the west utilized. In rural areas, village elders and tribal councils upheld the Afghan version of the rule of law, a way of looking at society and its laws, and the individual's position in the social structure, which differed radically from the west. The clergy played an integral role, directly deciding questions and problems at the immediate local level. In cities and urban areas, small neighborhood meetings of a few trusted elders with heavy input from the local clergy would decide cases through discussion. Women almost never appeared in court, and almost no one used lawyers for anything involving a civil or family matter. If a crime—and the Afghan view of what constitutes a crime is very different from the American view—was committed, the local council, whose members often knew both the culprit and the victim, would hear the case and determine penalty and compensation. The thrust of many decisions was to maintain order and stability within the community, to negotiate a settlement that would prevent armed conflict between the culprit's and victims' families. Neither the court system nor the uniformed police were regarded as helpful players in this traditional system. Needless to say, local powerful families enjoyed a fair degree of immunity to such proceedings, unless their opposing party was from a similar family.

When the Taliban were ousted, a large number of warlords and former VIPs who came back from foreign residences took power in Afghanistan. Cabinet positions, governorships, and most other positions of authority were divided among men whose claims were based on political support and personal relationships with the new rulers. Far too many of these officials viewed the victory over the Taliban in terms of medieval warfare: To the victors belong the spoils. Throughout the country, officials saw their new positions as license to steal or recoup old losses, and a succession of corrupt, venal, and incompetent officials at all levels of the bureaucracy quickly dissipated the original support for dismantling the Taliban regime. They imported their system of retainers and personal security entourages with them, and Afghan leaders and VIPs were immediately recognizable by the size of their convoys, and by the guard posts in front of their residences. Unfortunately, this system was also quickly adopted by foreign VIPs and businesspeople, even Americans. When American VIPs traveled through the streets of Kabul, the speeding armored cars

that ignored all traffic regulations and often caused collisions and injuries to Afghans, the forcing of other vehicles off the road, the sirens, the armed guards running alongside or screaming at Afghans to get out of the way—all these were reinforcement for the sense of impunity that Afghan VIPs also felt toward regulation and law.

How Does All This Relate to Militias?

There is a very high level of personal violence in Afghanistan. It targets officials as well as private people, and is indiscriminate when their families are present. It is a traditional way of settling personal as well as political disputes. During my four years in Afghanistan, I personally knew more than 30 Afghans who died violent deaths. To the best of my knowledge, no one was ever punished for these deaths, including the assassinations of the three Cabinet members and the Governor I knew.

In the year 2007, 925 policemen were killed in Afghanistan. According to the Afghan government, so far this year 760 policemen have been killed. The country's population is about one-tenth the size of the United States, so imagine the consequences for the November election in America if 7,600 police had been killed here this year. The illegal drug trade, kidnapping for ransom, open robbery, and violent crimes are standard fare, and they get mixed in with tribal and clan conflict, feuds that go back for generations, the political opposition to the Karzai government, and the spreading insurrection. It seems fairly clear that the present configuration of security forces and the Ministry of Interior is not suited to the Afghan reality. After seven years of effort, general security today seems worse than it was in early 2002.

Perception and confidence matter. Afghan leaders at all levels—from provincial warlords to well-heeled businessmen and politicians in Kabul—could not and cannot trust their safety and security to a police force or an army that has been shattered and emasculated over the three decades of conflict. They see private guard forces as necessary for their own security, both at home and in their offices. There is little popular trust for the police or the army, and the average Afghan in Kabul will only laugh if you ask him whether he would call the police in an emergency.

Demographics matter. In Afghanistan, there are huge numbers of young men, often illiterate and untrained for any other profession, who are willing to join private guard forces, security companies or even militias. This is how they support their families, and in a country at the very bottom of the economic scale, it is often their only possibility of earning money. And joining such a group means that a young man is far less likely to be sent to a distant corner of the country, far away from his family, tribe, or clan.

Tradition matters**.** Serving an individual leader as a member of his guard force or personal militia is a time-honored profession in Afghanistan, a country that resembles remote parts of medieval Europe with its religious conservatism, armed local leaders, fortified compounds, hereditary estate holdings, and a sharecropper system that keeps much of the rural population in perpetual poverty.

Truly national police and a truly national army that serve the impersonal state and the citizens are a western, modern invention. There is little reason for anyone to think that the Afghan state or the President's Palace as such will be loyal in turn to members of its security forces, pay their pensions in old age, or remember their widows and orphans if they are killed. Militias and the extensive network of private security companies and small groups of armed guards, on the other hand, are

often constituted from a particular tribal or ethnic group, where a more personal relationship with colleagues and leaders is the norm.

Economics matter. According to statistics I have, since the year 2003, a total of 162,212 training sessions of various lengths have been given to Afghan police. They cover a wide spectrum, from basic literacy to firearms to leadership topics. A great deal of emphasis is paid by the coalition on such courses, and rightly so, but when a policeman leaves the training and goes back to his job, he is still faced with economic reality—the most basic problem of providing food and shelter for his family. In the Afghanistan of 2008, a police patrolman working for the Ministry of Interior only gets paid $70 a month, a salary that is simply not possible to live on, much less provide for a family. Even a First Lieutenant only gets paid $200, and a police Colonel gets $400. In short, a normal policeman must rely on gifts—or let's call them bribes—to meet his normal expenses. All the training in the world cannot make a policeman, a soldier, or an officer truly effective and professional if his income must be supplemented by gifts and bribes because small bribes get larger in the higher ranks, and result in a pervasive corruption where security and service can be auctioned to the highest bidder. On the other hand, an Afghan working as a guard for a private security company makes from $200 to $700 a month, depending on the nature of his job. And a security guard working for a drug smuggler escorting caravans through Iran to Turkey gets paid $3,000 per trip. Now I ask you, if you have a wife, children and an extended group of relatives whom you support, where are you most likely to want to work? When one trip convoying drugs will net you three years' annual salary for a policeman?

As I look at the security situation in Afghanistan, I find I have more questions than answers. Given political reality, I cannot envision a situation where the international community—and specifically the United States—continues to fund the Afghan budget forever. Developing an economy and a tax base in Afghanistan that would allow for sustainable good salaries to attract more qualified personnel to the central government's security forces will take many years, and frankly, could never be possible.

Changing Afghan attitudes toward its security institutions is feasible, but only after years of education and public relations. Even this, however, requires changes in popular perception that will only occur if these institutions perform well.

Changing the sense of impunity, the code of violence, personal behavior, and attitudes toward law in Afghanistan is also years away. In this process, I can see a continuing role for private guard forces, a network of security companies, and especially tribal and regional militias. They can be used for home and neighborhood protection, to enforce security in remote rural areas, on highways and in commercial zones, and certainly around businesses, government buildings, schools, international embassies, and other organizations.

In due time, the police and other government security institutions might make such groups unnecessary, but that time is still far off in the future.

Chapter 12
Setting Rule of Law Priorities in the Early Days of an Intervention

By Frederick D. Barton, CSIS

Overview

The absence of the rule of law during a period of conflict or as a state unravels presents a huge challenge to the rebuilding of a society. Public confidence cannot be restored unless there is some system of trust, so initial progress is vital.

After a discussion of the need to address rule of law right away, the paper will follow CSIS' five principles of success—and how applying them to this issue can provide opportunities for improved results. The five sections will: frame the task and offer an analysis of the rule of law problem; describe how to create an integrated strategy to take on the near term tasks; show necessary operational flexibility and innovation; offer ways to measure progress; and emphasize the centrality of communications. The paper will conclude with some summary thoughts on how to deliver tangible improvements in environments that seem impossible. The author has been directly involved in most of the examples cited in the paper.

Why Rule of Law Matters So Much

For the past few years, the world has nervously observed the downward spiral of Pakistan. Local citizens worry about the violation of the Constitution and laws by civilian and military leaders, terrorist violence by militant extremists, and the absence of daily justice. American policy-makers are concerned about safe havens for attacks on U.S. and NATO troops in Afghanistan and the potential unraveling of an ally. Neighbors and the international community wonder how a total breakdown of a country of 165 million people could be addressed by our current approaches and capabilities.

The shared fear is that the continuing deterioration of Pakistan's rule of law will produce a chaotic conflict-like situation.

In travels through Pakistan and the region over the past few years, it is clear that the public has lost faith in the fairness of the system and in the way which laws are applied. After hundreds of interviews, not a single person said they would trust the police if they were needed and residential neighborhoods near to military bases and garrisons were highly valued. In the Northwest Frontier Province (NWFP) and Baluchistan, the military and the intelligence services were seen as the causes of many extra-legal operations and now they are being attacked directly. The suspension of dozens of judges and their subsequent replacement and partial reinstatement has left the public wondering if the third branch of government will ever matter. Calls for local justice are blossoming, including for the "shariah" system.

With all of this decay, it is a wonder that Pakistan still mostly works. Arrivals at airports are orderly, patrols on the new toll highway from Islamabad to Peshawar are comforting, and daily life goes on for average Pakistanis. But the existential fear Pakistanis feel for their country is manifest. The breakdown of their society is of paramount concern and given their lack of faith in the current political leadership, the public's best hope seems to lie in the restoration of a system of laws. That is why there was massive support for the judges when former President Musharraf suspended them and why the lawyer's movement was so well received in its early days.

The sequence of the Pakistan case is not unusual: special preferences lead to legal entitlements and to broader lawlessness; intimidation moves to impunity to gross human rights violations and the widespread settling of scores; finally, thugs and their official protectors lose control, and conflict emerges. Pakistan is noteworthy because its dangerous decline provides a good case study. The trend-line of further deterioration is frightening—and the crumbled foundation that remains makes the reconstruction that much more difficult.

In all conflict-prone cases, security sector reform, rule of law and more broadly, public safety, keep showing up as defining characteristics. If a place is not safe, nothing positive can happen. A farmer in the Congo cannot make a living if his tomatoes are extorted on the way to the market. Children who are unable to go to school in Iraq because of kidnapping threats are not optimistic about their country's future. Diaspora investors will not look for opportunities in a Pakistan where arbitrary justice might result in an expropriation of a business by the military.

Despite its importance, the rule of law is seldom reinforced in the early days of interventions. It continues to be something that the international community does not do well. It seems to be an across-the-board weakness: police assistance is miserable; "justice in a box" is absent; and international standards are often enforced when a straight-shooting sheriff and a circuit riding judge would not only suffice but be a huge improvement.

Instead, assistance efforts often rely on local militias and private security, challenging the primacy of a system of laws and the monopoly of the use of force. Sometimes the outsiders will redraft a Constitution, establish new law schools, or train judges, all admirable initiatives, but often out of sequence for the problems that are present.

At the same time, what the people want in conflict-affected places is to feel safer, see constant improvement, and know that the overall trend line is heading in the right direction. This will take short-term initiatives that understand longer-term implications.

As one reviews the challenges of delivering some priority rule of law initiatives and the many weaknesses in performance, it is clear that much can be done to improve the international community's responses.

Applying the Five Principles of Success to the Rule of Law

There has been wide acceptance of the critical elements of a stabilization and reconstruction effort ever since the CSIS/AUSA framework was developed in 2001.[1] Adopted by the U.S. Departments of State and Defense, the model argues for a balanced and integrated approach across four pillars: security and public safety; governance and participation; justice and reconciliation; and economic and social well-being.

Applied practice has shown that the elements matter but mostly as they relate to each other. Only in taking a holistic view is there likely to be progress in individual sectors. This becomes difficult because there is a natural instinct to take credit for a new army or for the construction of schools, even when the broader conditions produce a level of chaos that undermines any good news.

Over the past few years, as CSIS worked on Iraq, Sudan, Sri Lanka, Afghanistan, and Pakistan, chronic weaknesses began to show up in how the United States and the international community applied its models and efforts. It became clear that vital steps were needed in order to succeed.

The result has been the Five Principles of Success: anticipation, understanding of context and analysis; integrated strategies with clear priorities; operational innovation and flexibility; clear measures of progress; and constant communications. This section will apply those principles to the rule of law question through a series of brief examples and broader points.

Anticipation, Context and Analysis

The human condition argues against great preparation: it is too uncomfortable to think about the worst and seemingly wasteful to prepare for all eventualities. On the other hand, a modicum of anticipation is vastly preferable to outright denial or happy talk.

In the U.S. government, it is not unusual to have an Ambassador describe a serious situation but then discourage real help by asserting that he/she is dealing with it. The American way is often to see a problem and want to address it, without a full enough appreciation of the challenges or their shortcomings. These noble qualities seem to get a full workout in conflict-ridden cases.

Following the Rwandan genocide in 1994, there was a great deal of concern about Burundi, and whether its Hutu-Tutsi ethnic divide and history of violence would produce the same tragic results as its neighbor. Human rights advocates and well-intentioned officials decided there was a need for an international initiative to investigate impunity. A United Nations resolution was prepared, and the recruiting of jurists began.

There was only one problem: those who were perpetrating the abuses were still in power, and there was a great likelihood that witnesses who testified or people who were interviewed would be killed.

Rather than fund the full-scale effort, USAID's Office of Transition Initiatives (OTI) offered to pay for an initial fact-finding trip, which would determine the viability of the idea. Within days, the three-person delegation had returned to Washington with a dominant impression: "We almost got killed."

The goal was desirable but the likelihood of success negligible. A good first step is to improve understanding of the situation and a timely analysis of what is possible on the ground. A second step is to align what is needed and the resources available rather than building castles in the sky.

In Sierra Leone in 2000, there was a near-total absence of justice. No arrests were being made, young thugs were terrorizing entire areas of the country, and no trials were being held. At a luncheon with a table-full of local human rights activists, the discussion led to the question of how many judges could be trusted in the entire country. After a 10-second pause, one of the participants said, "Nine."

While a complete restructuring of the Sierra Leone justice system would be desirable, a more pragmatic and useful step would have been to make it possible for those nine judges to hold trials. That would have taken substantial work, including full security and protection for the judges and their families, but the near-term results would have produced something more tangible: a 900% improvement in trials and a sense that progress was under way.

A third step is to be modest and understand your own limitations.

Any visitor to Freetown, Sierra Leone, in the late 1990's could see the need for a reassuring street presence and a functioning police force. A wise initial choice was made through the selection of an interim British Inspector General to lead the police.[2] Given clear authority but few resources, he proceeded to assess the opportunity and determined that the caliber of the force did not allow for an expansive view of services. But he made a difference: he began to create an esprit by making the most of what he had, reinforcing the need for public service, establishing traffic cops at intersections and sending others out as early warning patrols with whistles.

A common theme of each of these stories is the need to accept things as they are even as you seek to change them.

Integrated Strategies

It seems simpler to take care of one's own responsibilities rather than to merge those interests into a greater whole. Franchising of problems or solutions is often the result. In Afghanistan, problems and responsibility for their solutions was initially divided: the Italians will do justice, the Germans the police, the U.S. the military, the Japanese demobilization, etc. There seems to be a surprise when individual states' efforts fail to come together.

In late 2002 and early 2003, CSIS began to develop an "action strategy" for post-war Iraq. The work was based on a couple of assumptions: first, the people who won the arguments inside the White House wanted a war with Iraq; and two, there would be lots of plans from most parts of the USG but no single, integrated blueprint that the President could study and decide what mattered most.

The authors were most concerned about the absence of a new authority on the streets immediately following the combat stage and the vacuum of law and order it would create. This was based on multiple experiences, including the Montreal police strike[3] and the invasion of Panama.[4] Because the pre-Iraq war alliance with certain countries was frayed,[5] a plan was designed that would identify 16,000 specially trained U.S. forces who would not be involved in the war fighting to be inserted in the major cities to prevent looting and sabotage.

The projected cost for a 12- to 18-month deployment, which likely would have saved months and years of reconstruction, was about $5 billion—a deal by today's standards.

What mattered is that the CSIS Iraq strategy highlighted the biggest challenges of the place. Priorities usually differ from place to place, but they should be set by a clear definition of the driving problems. While post-combat security was the toughest political development test in Iraq, in Angola during the mid-1990's the issue was land mines. In Haiti in 1994, it was widespread intimidation and the over-centralization of authority.

The beauty of setting priorities by identifying the biggest problems is that it requires you to think outside of your lane and often in terms of the local people. In fact, the lane model, so familiar to many bureaucracies, is especially dangerous in conflict settings because of their inherently chaotic nature. The operative model should be water polo versus the neatness of a swim meet or even the dynamic of a relay race.

Operational Flexibility and Innovation

The fragility of conflict settings and the dynamics they unleash require an agility that is not often found in government-style programming. With its long lead times, rigid personnel systems and formal contracting methods, it is hard to move centralized bureaucracies through these settings—especially with multiple centers of gravity vs. a unity of leadership. Compounded by the enormity of the task and frequent failures, it is not hard to imagine why working in these cases can be dispiriting.

How best to get around these many hurdles? If the integrated strategy is well grounded in the local realities, the next step is to maintain a flexible, entrepreneurial and innovative approach to the work at hand.

One of the best examples for overseeing work in distressed settings was provided by a former Deputy High Commissioner of UNHCR and later Assistant Administrator at USAID, Douglas Stafford. His admonition was always to think of conflict places in terms of "venture capital," where one success out of many attempts would be a worthy, estimable goal. Stafford also used a series of irreverences to ensure that dedicated workers did not become messianic in their efforts. In describing one of his offices he would say, "you're just a turbo-charged Peace Corps" or "that's my body shop for conflicts."

Even with the rule of law, the tablets do not always come from on high. Opportunism, innovation, and borrowing distinct ideas from past efforts can often be more rewarding than more familiar approaches.

As the United States prepared to invade Haiti in 1994, there was great concern about the Haitian army and what to do with it.[6] With USAID's OTI in the lead, it was decided that a six-month retraining program for all rank-and-file soldiers would be attempted. Within a few weeks of the U.S. and allied invasion, Jacques Lopatka, a dedicated and resolute international civil servant who was working for IOM, proceeded to meet with almost every vocational institution in Haiti. Soldiers were asked their preferences between trade, construction, or computer skills and then put on a schooling program, which included a stipend from the Haitian government, daily transportation and lunch, and counseling.

Within two years, over 5,000 Haitian soldiers had been given an alternative means of supporting themselves and joining the mainstream economy. Beyond those results was the underpinning of the program design: it took a potentially troublesome group of people out of circulation, gave them some renewed hope, supported their families, and also capitalized the vocational schools with two years of paying students. A side benefit was the space it provided the civilian government to dissolve the meddlesome Haitian Army at the end of 1994.

In Iraq in 2003, a single British military officer took charge of the renewal of Basra's formal justice system. With spending authority in the range of 50,000 pounds, this energetic officer repaired destroyed courtrooms, invited judges to return to work, and reopened the local prison. He remained a catalyst in all of his work, using great personal energy and skill with people to mobilize a range of Iraqis—most of whom had a pent-up desire for change along with a residual fear. Given the license to start the rule of law effort in the days after the war-fighting stopped, a singular figure with substantial liquidity was able to make an immediate difference.

Measures of Progress

It is critical in conflict places to have a clear sense of direction that is grounded in a current reality. From that baseline, progress needs to be measured by impact and results, not by effort, inputs, or even outputs. When the preferred standards are used, overall improvement is more likely to be considered than the benefits of individual, and often not integrated, initiatives.

The types of questions that need to be at the forefront should include: are people safer? Has freedom of movement, assembly or speech improved? When something goes wrong is there a legal authority to enforce the law? Are people leaving their homes because of fear or violence? Is the international community still running the prisons years after an intervention?

In 2005-2007, CSIS undertook two measures of progress reviews in Afghanistan. Each process was grounded in local voices with over 1,000 structured conversations in more than half the country, hundreds of expert interviews, and a thorough review of press accounts, polls and focus groups, and official reports. Both times the rule of law came in as by far the worst problem in the country.

While shining courthouses had been built in a number of provinces, justice had not improved. There seemed to be few judges who were trusted, and the highest courts were known to be dominated by religious ideologues of low energy. Few trials were taking place, and the Taliban were being welcomed back into some towns because they were at least pursuing common criminals and dispensing some form of "justice."

At a time that the United States and its allies were building up the new Afghan Army, there was a clear vacuum being left with the police. Conversations with police made clear that they were being paid much less than the new army and often not receiving their insufficient paychecks. Yet travels around the country indicated that the street presence in most areas of the country continued to be the police and not the army.

As one looks for early returns in the rule of law, it is useful to think as a news editor might: what are some obvious embarrassments? Are innocents dying in prisons? Why are people on the streets scared? Have high-profile figures been assassinated, kidnapped or intimidated? Are former fighters and thugs showing up with militias? Any of these kinds of indicators will not only suggest a way to measure progress but also provide a fair standard.

Communication

The unpredictability and volatility of conflict requires constant communication in multiple markets. Insecurity requires reassurance, and the constant dangers of these situations means that quality information must be provided all of the time.

Since a central challenge in the early days of an intervention is to build trust in the process and players and a sense of confidence about the direction in which events are moving, it is critical to provide substantive information and transparent channels for communication.

When U.S. reconstruction started in 2003, Iraqis made clear that their distrust was endemic and that they would "only believe what they saw." It was suggested to the head of the Coalition Provisional Authority, Jerry Bremer, that hundreds of young Iraqis should be given video cameras

to record unfolding events for a developing television market. By broadcasting the full range of events in the country, Iraqis would be able to witness hundreds of small advancements and the destructive forces of looting and sabotage—thus getting a fuller measure of the task at hand.

Following the 1994 genocide, the Rwandan people needed constant reassurance regarding justice being delivered. When the Rwandan war crimes tribunal was started, the initial public face was a retiring judge from Madagascar, Honore Rakotomanana.[7] Under his leadership, the tribunal spent most of its early days establishing itself and its procedures, and traveling to international capitals to reinforce donor support. Back in Rwanda, there was growing concern about investigations that were not taking place, evidence going missing, and the transfer of the trials to a neighboring country.

This pattern continued and led to a massive loss of public confidence in Rwanda and beyond.

One response was to show substantive progress when it finally appeared. As the trials neared, USAID's OTI engaged a U.S.-based non-governmental organization, Internews, to simulcast the tribunal's proceedings in Arusha, Tanzania, back into Rwanda, where the interest was greatest. By all accounts, the daily radio broadcasts and the videotapes, which were later shown in town meetings, helped to restore a sense of progress to a devastated people.

In other cases, the communication can be delivered by exemplary service and visibility in the community. Following the early days of the Haitian invasion in September 1994, a former (and now current) New York city police chief, Ray Kelly, was in charge of 1,000 or so international police who were deployed around different parts of the island nation. While the multinational forces varied in their professionalism, Kelly set a high standard and personally modeled the best practices of policing, including arresting criminals whom a crowd had chased into a downtown Port au Prince building or saving a civilian during a firefight in front of the Presidential palace.

Today's Pakistan cries out for a national campaign of revulsion against terrorist strikes. It is almost impossible to imagine any other way to deal with suicide bombers in a country of 165 million. A series of non-stop television and radio commercials that celebrate the lives of innocent Pakistani victims of terrorist attacks, their faith, and families, could galvanize a public rejection of this destabilizing tactic.

Communication can be enriched by today's many technologies, especially cell phones, and the central concept is to provide important and needed information in real time.

Conclusion

Any success in the early days will depend on capturing the imagination of the resident public and building their confidence. After years of shrinking rule of law, it is vital to show that improvements are possible.

Initiatives need to be started on both the macro and micro levels, but producing initial, tangible results is critical. This can be done by showing a clear understanding of the situation, fashioning an integrated strategy, delivering some practical first steps, having an honest way to measure progress, and informing the publics of all involved countries on a constant basis.

It is possible to build a base of support for a new era of rule of law because it is so desired among the population.

Chapter 13
Rule of Law and Detention Operations in Iraq

By Anthony Lieto, PKSOI

Introduction

As part of a Rule of Law program, the ability to deal with Detention Operations is vital to the stabilization of a civil society. As we move into an era of uncertainty and persistent conflict, often the lines separating war and peace, enemy and friend are blurred. Emerging and budding conflicts and instability are combining with rapid cultural, social, and technological changes that will further complicate our understanding of a secure environment.

Rule of law is a principle that our forces, institutions, and entities (public and private) should support, and includes respect for the laws of the nations we are deployed in. Support to laws that are accepted by the local population and equally enforced, adjudicated and consistent with international human rights is key to creating a civil society. In this context, a key element that will face the United States in gaining legitimacy is how we and our coalition forces deal with detainees in detention operations.

In Iraq, Task Force 134 was responsible for the care and custody of detained persons. The U.N. Security Council resolutions 1483, 1511 and 1546 authorized the Coalition Forces to detain persons if they posed an imminent security threat to Coalition Forces. This included threats to the Iraqi Security Forces, to include the Iraqi Military, Iraqi Police and Iraqi Interior Forces. The key to detention is to ensure that only persons who are "no longer an imminent security threat" are released back into a civil society. Those criminal elements who are detained, and who have violated the host nation's rules and laws and can be prosecuted by their laws should be moved into the Civil Criminal Court system of the host nation so they can be prosecuted under the laws of the nation.

In any combat environment to include counterinsurgency it will become difficult and often impossible to distinguish an insurgent from a civilian. Insurgents dress, speak, and act as local citizens. Treating a civilian like an insurgent is a certain recipe for failure. Individuals might be detained for two reasons: to prevent them from conducting attacks or further attacks; or to gather information to prevent other insurgents/combatants from conducting attacks.

After every operation, there will be detained persons who are either detained because they have been caught conducting an illegal activity or an attack, or are considered a security threat that is sufficiently imminent to warrant their detention. The question is what to do with the detainees and how to re-integrate them back into society.

Detainees must receive humane treatment until properly released. They also must be provided the minimum protection of the Geneva Conventions. They may not be transferred to the host nation, or any foreign government, if we have substantial grounds to believe the detainees would be in danger in the custody of others. The Geneva Convention articles 3, 4, 5, 11 and 12 outline the requirements to protect the individuals in detention against acts of

violence or intimidation or place them in harm's way. The detaining power has the obligation to protect them from harm or reprisals.

Task Force 134's overarching strategy was to empower the moderate detainees and provide them with the tools to lead a productive life after their release. This only could be accomplished if the Task Force first identified the radical element and ensured this radical element was no longer a threat to the moderates. TF-134 could not just consider 'isolating insurgents" from the —they needed to weigh impact of detention policy on creating insurgent sympathizers, supports and recruits. The objective was to assist the detainees find a purpose and a sense of belonging to Iraq and to their families instead of some radical movement. The morale and motivational studies conducted by RAND Corporation and Intelligence Agencies highlighted that poverty and violence are closely connected and affect detention. Task Force 134 had to develop programs centered on providing education and job skills.

Initially, Detention Operations in Iraq from 2003 were typically viewed as intake (capture), interrogate, hold, and release operations. After Abu Ghraib, Task Force 134 was established to consolidate and provide oversight and coordination to Coalition Force Detention Operations. As a side note, according to extensive research and studies conducted by the RAND Corporation and by U.S. intelligence agencies on behalf of Task Force 134, the number one recruiting tool used to recruit Foreign Fighters, Al-Qaeda members, and suicide bombers was the five-minute Abu Ghraib video and the pictures from the abuse at Abu Ghraib. These pictures were posted throughout Iraq especially in the volatile Al Anbar Provence.

Consolidation Phase

The establishment of Task Force 134 enabled the Coalition Force to improve the quality of life of detainees by closing Theater Internment Facilities at Fort Suse in Northern Iraq and at Abu Ghraib located in the west end of Baghdad. Detainees were moved to a new detention facility at Camp Cropper located at the Baghdad International Airport (BIAP) facility and moved to the expanded facility at Camp Bucca vicinity Basra, Iraq. Detention Operations however, were still viewed as a liability to Coalition Forces and in response to Abu Ghraib, focused mostly on the Care and Custody of those individuals detained by Coalition Forces.

Studies have pointed out five common historical errors that nations commit when conducting Detention Operations: detaining innocent individuals; releasing insurgents who pose a threat or a danger to coalition or host nation forces; mistreating detained individuals; failing to anticipate the effects of arrests and internment on the information campaign; and allowing prisons and detention facilities to serve as a training and recruiting ground for insurgents.

Unfortunately, Coalition Forces repeated many of these common errors. The result was an increase in the support for the insurgency, routine violence, extremist recruitment and insurgents training inside the Coalition Theater Internment facilities. Additionally, there was a decrease in trust and confidence in the Coalition Forces' mission and people. One

has to realize that just because you have an insurgent in detention he has not “taken a knee” and does not consider himself out of the fight.

Detention facilities offer insurgents the ability to recruit, to intimidate the weak, and to legitimize their fight against Coalition Forces and against those of the host nation, whom they consider as traitors to their cause. Our studies indicated that most of the movements we have come to associate with Al-Qaeda have their roots in the prisons of Egypt, where the new Jihadists were recruited and trained. The same held true for Coalition Detention facilities prior to the reforms of 2007: the strong preyed on the weak and could intimidate them while recruiting the next generation of fighters for their cause.

A New Approach to Detention

In April 2007, Task Force 134 was placed under new leadership and set the course for a new way to conduct Detention Operations in Iraq. The Task Force assessed the current situation inside the Theater Internment facilities at Camp Cropper and Camp Bucca, and sought to understand the challenges presented by past mistakes and by the upcoming surge of forces in support of the Baghdad Security Plan. Two fights were identified by the Task Force: the “Close Fight” of ensuring the standards of the care and custody were met, and the “Deep Fight” of turning Detention Operations from a strategic risk to a strategic advantage for the Coalition Forces.

- **Close Fight:** The care and custody of detainees was, and remains the paramount mission of Task Force 134. It is the number one priority of all U.S. and coalition forces in any conflict anywhere they are or will be engaged or deployed. This mission includes ensuring housing, culturally appropriate meals, medical, and dental care, and an established administrative review process to determine eligibility for release. This mission must also include the planning, resourcing and building of additional capacity to safely intern an anticipated larger detainee population as a result of a surge. Additionally, the longer the force remained engaged, the more the numbers of irreconcilable detainees were expected to increase.
- **Deep Fight:** The new way of looking at Detention Operations comes from the Deep Fight of turning Detention Operations from a strategic risk to a strategic advantage. After an intense in-depth study of multiple groups to include the Multi-National Corps-Iraq (Combat Force), Multi-National Force-Iraq (higher headquarters), Iraqi government officials, Iraqi professionals, detainees themselves and members of the Detention Force, the Task Force recognized that the center of gravity for the Deep Fight was the “battlefield of the mind.” If detention had previously been a way for extremists to recruit and train the next generation of fighters, why not make it a way to recruit and train moderates? Ultimate success in prosecuting the counterinsurgency could only be achieved by establishing an alliance with moderate Iraqis, and empowering those moderates to marginalize the extremists.
- **Action:** After understanding the battlefield and what was needed to achieve success, the Task Force began developing programs to change Detention Operations from a strategic risk to a strategic advantage. The means of doing so was to ally with

moderates in detention—inside the Theater Internment Facilities—to empower them to marginalize the extremists.

Objectives of the New Detention Programs

The overarching objective in detention operations is to ensure that appropriate standards of "care and custody" are maintained. This overarching objective can be divided into two subordinate objectives. These two objectives are focused on those detainees deemed to be Imperative Security Risks but who will ultimately be releasable into Iraqi society, and second on those who are irreconcilable and not releasable.

The first objective is to determine if a detainee is an Imperative Security Risk. If the detainee is considered an Imperative Security Risk, the objective is to reduce that risk and replace the detainee's destructive ideology. When the detainee no longer is an Imperative Security Risk, he should be released back into Iraqi society. Keeping detainees in detention when they no longer pose an Imperative Security Risk damages the detention program and the reputation of Coalition Forces.

The other objective is to identify the irreconcilables and ensure these irreconcilables cannot continue to influence the moderates. You must defeat any insurgency within the Theater Internment Facilities. Extremists must not be allowed to recruit through intimidation, threats, and coercion. They must be quickly identified during the in processing phase of their detention and not be allowed to mingle with moderates. Wrong detention policies can aid in creating insurgent sympathizers, supporters, and recruits.

Victory in detention will be achieved when there is an alliance established with the moderates in detention. These moderates must be empowered to effectively marginalize violent extremists. Each detainee is a "chip" that can influence up to 100 other personnel in society. The policy must not include a policy that conducts general mass releases. Mass releases will often include high-risk detainees. In other words, under mass releases you send the message that good as well as bad behavior is rewarded. The key to successful detainee operations will be the percentage of recidivists that come back into detention. Recidivists are those who actively participated in attacks or supported attacks against Coalition Forces or ISF subsequent to release. Those detainees who were rounded up due in part to sweep operations and later released are not included as recidivists.

Defeating Insurgency Within a Theater Internment Facility

History has shown that the Islamic fundamentalist movement has its origins in the prisons of Egypt. Al-Qaeda's number two was an Egyptian from this movement. Prisons are a place to recruit. Task Force 134 had a saying that the new detainees were viewed as "recruits" by the extremist elements in the Theater Internment Facilities. Task Force 134 initiated a three-phase process to address the tactical and strategic aspects of this challenge in its battle space.

- **Phase I:** Apply Counter Insurgency (COIN) principles to the Theater Internment Facility (TIF); separate extremists from the population; protect the remaining population, both inside the TIF and by an individual screening process, outside the TIF.
- **Phase II:** Defeat the insurgency within the TIF; take away the violent extremists' sanctuary and their support base inside the wire; succeed in the "battlefield of the

mind" empowering the moderates rewarding good behavior going after the extremists, isolating and segregating them from the larger moderate population, while identifying those techniques and ideas that are both effective and contagious. Continue to refine those methods, as we have noticed the extremists are adaptive and will always seek to counter the moves against them.

- **Phase III:** By engaging with the population of moderate detainees and their families, and with detainees who have previously been released, build "social capital" within these groups; empower and embolden moderate former detainees to reject the conquering goals of political Islam and to marginalize the violent Islamists within their respective communities.

Building of a TIFRIC (Theater Internment Facility Reintegration Center)

Task Force 134 realized that the Theater Internment Facility (TIF) was just a warehouse of detainees and that no process existed for the reintegration of these detainees back into Iraqi society. The Theater Internment Facility Reintegration Center, or "TIFRIC," concept was built on COIN principles, providing for a de-radicalization program while being compliant with military police Detention Operations standards. The TIFRIC has two distinct parts, the first being detention (the TIF) and the second consisting of the RIC, focusing on reintegration.

Once a detainee enters the TIF process, they receive a number and through a very detailed in-processing review are assigned a risk level. This in-processing review includes interrogation by trained personnel who are monitored by the Joint Interrogation and Debriefing Center (JIDC); the detainee also goes before a Magistrate Review Cell (MAG Cell). The MAG Cell is a panel composed of personnel from the Coalition and from the host nation itself. The detainee may seek counsel and is allowed to speak with the panel about his detention. During the Detainee Disposition Review Board, the board will evaluate the detainee's potential for release from custody and reintegration back into society through a Pledge and/or parole Program. If the detainee has violated the criminal laws of the country, every effort is made to transfer this individual to the Iraqi Central Criminal Court. This supports reducing levels of fear or intimidation among the more moderate detainees in the detention facilities. The objective during the TIF process is to minimize detainee-on-detainee violence. The guard force must be constantly vigilant of this and must implement measures to immediately defuse such incidents before they escalate. If a violent act occurs, the guard force must investigate the matter and identify the perpetrators, sending their cases to the Iraqi central criminal court to dispense justice.

To prevent detainees from gravitating toward the insurgency, the detainee moves to the RIC process where the re-integration phase now becomes the focus. The moderate detainee must be prepared for release and provided the tools and skills that he or she needs to successfully re-enter Iraqi society. For example, a recent study conducted by RAND concluded that usually uneducated people join militias for money, if there were jobs, fewer people would join, and this would also deter future fighters from turning toward militias and extremist movements. The TIFRIC had to provide an economic and social foundation

for this process. Task Force 134 offered a variety of programs to include education, vocational training, civics courses, Islamic discussion (hiring moderate Sunni and Shia clerics to teach the Koran), family visitation (families were given a stipend for their expenses based on UNHCR costs), and pay for work programs. These programs were designed to emphasize moderate behavior and discourage extremist behavior.

Among the most important skills a detainee learned through these programs was the ability to read and write. Additionally, the detention program required faculties and programs for women, juveniles, and the mentally challenged. Programs focused on these particular "at risk" groups were incorporated in the TIFRIC.

Transparency was an important element of TIFRIC operations. There will always be those who criticize the detention program and will find supporters in the press. Therefore, detention operations must be transparent: international organizations such as UNHCR were allowed to come into the TIFs and provide a report on the conditions they observed. The message must be that the care and custody piece of detention is without flaw, and detainees are required or at least given an opportunity to improve their lives.

Irreconcilables

Any detention program must address detainees who are considered irreconcilable, extremists or criminal. Again, all effort should be made to move these individuals into the country's Central Criminal Court. If that effort fails, then an agreement should be made as Coalition Forces draw down and are withdrawn that the care and custody is turned over to some international organization or to the host country. If the host country has made threats against these extremists, then under Article 3, 5 and 12 of the Geneva Convention we cannot turn these individuals over and put them into danger or the threat of death. At the end of a conflict, this question will remain and must be addressed.

The process of addressing irreconcilables encompasses four steps: 1) collate existing threat lists; 2) screen the threat lists based on FBI or other agency factors to ensure we are not releasing detainees wanted by these agencies for criminal acts; 3) screen detainees; and 4) present a proposed list for final decision. There will always be detainees or prisoners who should not be released back into host nation society. The objective is to correctly identify, segregate, and then detain in a facility that will house them and not let them interfere with moderates, continue to perpetrate violence, or recruit others to do so.

Conclusion: the "End State" for Detention Operations

The end state for Task Force 134 was transitioning the detention programs to the Iraqi authorities. The expectation was and continues to be for the Iraqis, working with the Task Force as partners, to assume more responsibility for the programs over time. Every program that Task Force 134 currently runs has Iraqis in the lead or near the lead. The objective is to design a program that the host nation can continue to run long after the Coalition Forces have stood down.

The End State for the Iraqis is a Detention system that follows the Rule of Law, is transparent, upholds the Articles of the Geneva Convention and is acknowledged by the Iraqis themselves as being fair and just.

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[1] U.S. Army Field Manual No. 3-07 (*Stability Operations*), Washington, D.C.: Headquarters, Department of the Army, 6 October 2008, p. 6-3.

[2] Ibid., p. 1-9.

[1] James S. Corum, "Training Indigenous Forces" in *Counterinsurgency: A Tale of Two Insurgencies*, Strategic Studies Institute, U.S. Army War College, Carlisle, PA (March 2006), v.

[2] The Provincial Director of Police, MG Ghanem, was a former Iraqi Army flag officer from Diyala Province, with close political connections to the provincial governor and various high-ranking parliamentary officials in Baghdad. Ghanem lobbied for increased authorizations for provincial police, finally being allocated 25,000 *shurta* for the province. However, at any one time, only about 7,000 policemen could be viewed at their posts in the villages and districts across the breadth of Diyala.

[3] With all due respect to the U.S. leadership, there was little evidence of trust of Iraqi institutions in Diyala Province at this particular time. But this is not an illogical sentiment. MND-N had spent the better part of 2006 trying to relieve the "Great Mafioso" of 5th Iraqi Army Division, MG Shakur; corruption was rampant in government administration; Al-Qaeda had succeeded in establishing a virtual stranglehold on the provincial capital; tribal reconciliation was a shambles as both Shia and Sunni major and subordinate tribes were in open conflict with each other; and the entire province stood apart as the lone area not yet under provisional Iraqi control. Nevertheless, the amount of attention paid to really achieving developmental change in provincial policing was mere lip-service, or many more assets would have been applied to the task.

[4] The advisory effort for the Diyala Province police was predicated on the notion that the BCT Provost Marshall could perform the complex task with augmentee "circuit rider" MP Company squads from Taji. It is still entirely unclear why Diyala Provincial Police had no dedicated Police Transition Teams (PiTTs), other than the bulk of the PiTTs operated in Baghdad during this particular operation. Nevertheless, the PMO accepted his Herculian mission and did the best he could under the circumstances, but freely and publicly decried the negligible effect he was able to achieve without the benefit of full-time advisors.

[5] Bruce R. Pirnie and Edward O'Connell, Counterinsurgency in Iraq (2003-2006), Santa Monica, CA: RAND (2008), 96. This volume also describes how early U.S. policy decisions about police forces contributed to gaps in security and stability in 2008. Essentially, failure to effectively partner with police forces, and advise them in operations on the ground, was a fundamental error in approach. In complete fairness to U.S. BCTs operating during this tumultuous episode, U.S. maneuver battalion commanders were valiantly attempting to provide some degree of oversight on police affairs, seeking integrated U.S., Iraqi Army, and Iraqi Police operations. In the end, the requirement of combat operations did not enable them to resource efforts as fully as they would have preferred.

[6] James Dobbins, John G. McGinn, Keith Crane, Seth G. Jones, Rollie Andrew Rathmell, Rachel Swanger, and Angela Timilsina, America's Role in Nation-Building: From Germany to Iraq, Santa Monica, CA: RAND (2003), 199. Interestingly, the assessment of this study called for a veritable corps of international stability police since it was determined that Iraqi police forces needed to be "purged and overhauled" before assuming responsibility for their own security.

[7] James S. Corum, *Training Indigenous Forces in Counterinsurgency: A Tale of Two Insurgencies*, Strategic Studies Institute, U.S. Army War College, Carlisle, PA (March 2006), vi.

[8] Ibid, 48.

[9] Robert Taber, *War of the Flea*, New York: L. Stuart (1965), 123-124

[10] Some senior U.S. leaders saw a different side of the police chief, and were perhaps overly convinced by his dramatic rhetoric and histrionics. Rather than strongly urging the police chief to make joint army-police operations a priority, to increase presence on the streets of the provincial capital and relieve the army of checkpoint duties and bridge guard, in accordance with the instructions from the Diyala Operations Command, U.S. commanders coddled the police chief and were less confrontational with him than they were with either the 5th Iraqi Division Commander, the Diyala Operations Commmander, or even the Governor of Diyala.

[1] This case study is based primarily on interviews by the author in Liberia and Sierra Leone with ECOMOG officers and soldiers, officials of the Sierra Leone Government, former AFRC rebels and RUF fighters, and hunting society members during May and June of 1998, when the author was serving as U.S. Defense Attache to both countries.

[2] David Keen, *Conflict and Collusion in Sierra Leone*, New York: Palgrave, 2005, pp. 132-133.

[3] Lansana Gberie, *A Dirty War in West Africa: The RUF and the Destruction of Sierra Leone*, Bloomington: Indiana University Press, 2005, pp. 82-84.

[4] Amnesty International, *Amnesty International Report 1999 - Sierra Leone*, 1 January 1999. Online. UNHCR Refworld, available at: http://www.unhcr.org/refworld/docid/3ae6aa0938.html [accessed 17 October 2008]

[1] Gert Jan Hofstede, Contributor Gert Jan Hofstede, *Cultures and Organizations: Software of the Mind*, New York: McGraw-Hill Professional, 2005.

[1] *Post-Conflict Reconstruction Task Framework*, Association of the U.S. Army and Center for Strategic and International Studies, May 2002.

[2] Former British Inspector General in Sierra Leone Keith Biddle. "Two sides of Sierra Leone's police force," by Lansana Fofana, BBC Africa, 9 September 2003.

[3] "Montreal's 'night of terror,' " CBC Digital Archives, 8 October 1969.

[4] "Fighting in Panama: Overview; U.S. Troops Press Their Hunt For Noriega; Looting is Widespread in Panama's Capital," by Andrew Rosenthal, New York Times, 22 December 1989.

[5] Including France and Germany.

[6] The Forces Armee de Haiti (FADH) was of unknown size and ability.

[7] From 1995-97 "Judge Rocky" as he was informally called served as the first Deputy Prosecutor of the International Criminal Tribunal for Rwanda (ICTR) based in Arusha, Tanzania. In 2001, he became the Speaker of the Senate of Madagascar.

SECTION THREE:

STABILIZATION, ECONOMIC GROWTH, AND IRREGULAR CONFLICT

INTRODUCTION TO SECTION 3
THE ECONOMIC INSTRUMENT IN IRREGULAR CONFLICT

By Joseph Gregoire, PKSOI

"Correct thinking leads to correct actions; incorrect thinking leads to incorrect actions."[1]

The following introduction provides a short synopsis of discussions at the Stabilization and Economic Growth Workshop on November 12, 2008, and of discussions concerning that topic at the subsequent conference on *Building Capacity in Stability Operations* held on April 6, 2009. Following the introduction, Chapters 14 through 20 reproduce papers submitted in support of the Workshop and Conference, which furnished the basis for the discussions of economic growth and development in an irregular conflict context.

One of the two key questions that were posed at the November workshop was whether reactivating economic growth in a region just emerging from violent conflict—a semi-permissive environment in which stability operations are being conducted—calls for measures different from those typically applicable in a permissive or secure setting. Although almost all the participants at the workshop agreed that the measures appropriate in either setting are distinct, no participant articulated a simple clear-cut rule to facilitate appropriate action. The bottom line was that given the differences among the initiatives appropriate to either setting, their priority and sequencing should be a function of the urgency and level at which the needs of a populace must be met (humanitarian, developmental), the level at which the programs are to be pursued (national, regional, local), and the quality and quantity of resources that are or will be available (people, funding, infrastructure) during a given period.

One of the problems that personnel from the civilian development and humanitarian community face when trying to determine how closely they should work with military and other security forces involved in irregular conflicts is that the type of economic initiatives that may be appropriate cannot easily be inferred. Are all the initiatives that are appropriate to irregular conflict necessarily congruent with those that may be particularly useful in a conventional development program? In environments of irregular conflict, the economic initiatives that are apt to contribute most quickly to restoring security in non- or semi-permissive environments are distinctly different, as to their priority and sequencing, from the economic initiatives that can and should be pursued to promote sustainable economic growth in secure environments. In the former case, the rapid synergistic effect of economic initiatives on the restoration of sustained security is critical to success. The initiatives are distinctly different from those that are pursued in a conventional development setting in which the initiatives must directly support the effort to restore security in a region through military means.

One of the distinctions that can nonetheless be made in the use of economic initiatives in an irregular conflict is that greater consideration has to be given in the design and execution phases to the secondary and tertiary effects of economic initiatives on sustainable economic growth. The distinction is not self-evident; in both cases, the initiatives should generate benefits quickly for the populace of conflict-affected states. The first signs of progress should be evident within one to three months, and the full effects of projects undertaken should be felt within 12 to 15 months. In the case of irregular conflict, however, the economic initiatives must be such as to create or

strengthen the base for sustainable economic growth, the intended end state of traditional development aid.

The dilemma this poses was well brought out at the conference by CNA's Carter Malkasian, who discussed "the role of money or economic assistance in counterinsurgency efforts and how money may or may not help…." Dr. Malkasian noted that "a lot of things one does with money in a counterinsurgency setting to establish short-term security run counter to what one wants to do to establish long-term development and can even undermine those efforts."

Alluding to a classic of counterinsurgency literature, "War Comes to Long An: Revolutionary Conflict in a Vietnamese Province," Dr. Malkasian remarked that "large-scale projects that do macroeconomic level development and policies were not really helping what was going on in the field" in Vietnam in the late sixties. One of the reasons is that such programs are generally not structured in a way that makes it possible to ask something in return from the intended beneficiaries when providing assistance at local level; that is, the programs fail to provide aid on the basis of contingent incentives to a populace that may benefit directly from it, such as the Viet Cong had been providing to the people in Long An. The result is that persons being assisted, even if only indirectly, benefit from economic assistance provided without strings and could remain insurgents since nothing is asked in return for the aid.

Dr. Malkasian also noted that the use of economic measures as a counterinsurgency tactic is quite unlike initiatives aimed at long-term development. He mentioned that "in counterinsurgency, building state legitimacy is something you generally want to see, but it can be secondary. You could prefer to build local allies over working with the government. That is certainly what happened most recently in Iraq." Similarly, to create jobs, "you may simply work with whatever provides jobs. And if that something is socialist, you may work with that. If it's something based on patronage, you may work with that." Concerning corruption, "you may even allow allies to remain corrupt when they are willing to work with you." However disquieting these observations may be, the fact remains that "there is no 'long term' if there is not security in the short term."

V. L. Elliott, an adjunct professor at the National Defense Intelligence College, participated in the April 6 conference in his private capacity. Speaking only for himself, he proposed a method to gain a strategic perspective of a country in which an internal war is under way, a perspective that includes the overall economy. Elliott suggested viewing the economy in an unstable country as a center of gravity. When a critical capability is overall economic stability (i.e., reversing severe macroeconomic deterioration)—a well-established policy objective during internal wars—a critical requirement is sound monetary and fiscal policy. An important critical vulnerability is then the conflict between the demands of counterinsurgency operations, which Dr. Malkasian ably addressed, and economic stability. An example of this vulnerability is the demand that a counterinsurgency effort places on government budgets through payrolls for the military and civil service personnel to counter the insurgency, as well as for the other programs they implement. Given the contrasting and competing demands that stem from trying to meet the urgent operational and economic stability requirements characterizing irregular conflict, it is not surprising that there are, as Dr. Malkasian noted, "fissures in interagency cooperation not only within U.S. government entities but also between donors in the field."

One distinction that should be made when designing and implementing economic initiatives in an irregular conflict setting, as contrasted with the processes to be followed when pursuing conventional development, is heightened awareness to the political-economic dynamics conditioning the environment in which the economic initiatives are to unfold. Because the measures that should be pursued in irregular conflict often involve the interests of powerful stakeholders of dubious merit, civilian stability operators need to be able to identify and accept the political-economic tradeoffs that will help restore security and hence livelihoods in a conflict-prone setting. Especially at the local level, some of the trade-offs could be problematic, but ill-advised reforms that jeopardize the interests of powerful political and economic stakeholders, who may be induced to help resolve a conflict, almost certainly will not endure.

The dilemma is that not all the stakeholders in the resolution of conflict are people with power. The victimized populace, the local officials and members of civil society organizations who empathize with the victims, and the officials and donors who function at higher levels of government all have a stake in the resolution of a conflict. The stability operators must work with all of them. As they pursue initiatives that aim to restore basic livelihoods and deliver essential services, they should help develop the capacity of officials to assume responsibility for the initiatives by the time the stability operation has morphed to a state in which traditional economic and security assistance can become the dominant instruments of foreign intervention.

The distinct ways in which corruption might be dealt with in irregular conflict and under conventional aid programs throw light on how action in the first setting could set the stage for action in the second setting, even if the initial action is sub-optimal as perceived over a longer term. Dealing with powerful corrupt stakeholders in a conflict entails the risk of consolidating oligopolies of predatory elites and patronage networks, but the risk can be offset by the chance that these actors will "deliver" peace however base their motives may be to do so. If stability interveners succeed in concomitant efforts to create and continually enlarge competitive markets, the oligopolies will increasingly account for a smaller share of overall market activity. If the gains made by more nimble entrepreneurs are large enough to keep all players in the market—if they believe they all can benefit from the continually increasing pie—ensuing economic growth might suffice to consolidate post-conflict political stability.

This being the lay of the land for the use of economic initiatives in irregular conflict, Dr. Frank Young, vice president of strategic planning of Abt Associates, made one of the most useful observations at the April conference by noting that "the shortest distance between two points in development…is often a zigzag…. In the development business, 'fog' and 'friction' is what it is all about." Since "the friction points are always there and…development practitioners are never totally clear of the environment in which they are working," the strategy that underpins the initiatives to be pursued must be locally based. The practitioners must continually be flexible and adaptive and must have exceptionally high tolerance for risk. Since mistakes will be made, the practitioners must have substantial expertise and sound judgment; they need to know how to "develop remedies 'on the fly.' " As seasoned practitioners of strategy, they must think strategically, but act tactically. They must retain a vision of the big picture and then put its little pieces together in a way that brings out what the policy-makers have in mind.

Among these practitioners are members of the civilian community who continue to question the involvement of military forces in the provision of development aid. Experience suggests that both play a role on a stage on which neither can appear in the best light unless each supports the

other in their respective acts. Mr. Asif M. Shaikh, president of International Resources Group, underscored this fact at the April conference when he said: “We in development cannot do what we do without security and stability. We can keep doing it, but we cannot achieve our mission.” As indicated above, in confronting irregular conflict we are engaging in the *economics of muddling through*, in environments in which there are no “neat, clean-cut solutions” to the problems at hand, in settings where we must often content ourselves with the ‘good enough.’ In Mr. Shaikh’s own words, “it has to be ‘good enough’ in ways to materially alter, at scale patterns of violence, resentment, and despair. It has to be ‘good enough’ in sustained ways that remain long enough so people can begin to visualize a future they prefer over the present; i.e., it has to do with changing minds. It has to be ‘good enough’ in sustained ways where people can begin to visualize a shared interest with us or with the rest of the world for creating a future where we work together towards stability and peace.” On the economic plane, achieving this ‘good enough’ is what responding to irregular conflict is all about.

Chapter 14
Guide to Economic Growth in Post-Conflict Countries

By Dr. Jay Smith, USAID

Introduction

This note provides a summary of the main messages concerning post-conflict economic growth in the USAID publication, "A Guide to Economic Growth in Post-Conflict Countries" (the Guide)[1] and introduces the macroeconomic issues and concepts learned from USAID and other donors involved in post-conflict countries. The views expressed here are those of the presenter and do not necessarily represent the views of USAID. Readers who assimilate the lessons learned presented in the Guide might find it easier to help bring about successful economic recovery in post-conflict transitions.

In 2007, USAID began developing the Guide for reasons of great concern. First, we anticipated that USAID would continue to operate in conflict and post-conflict countries long in the future. Second, we observed that far too many USAID economic growth officers believed they could either (a) apply in conflict-affected countries what they knew about promoting economic growth in stable developing countries or (b) rely on a "natural" economic rebound and thus focus USAID's programs almost exclusively on other high-priority tasks, such as holding elections and building democratic institutions. In fact, neither approach has been successful in practice. Third, we learned that the failure of post-conflict efforts to create an economic environment that encourages initiative, employment, and growth sustains the dysfunctional economies of post-conflict countries and thus tends to weaken rather than strengthen the prospects for lasting peace. The evidence suggests that post-conflict programs that pay little attention to economic issues fail more often than programs that focus on such topics. Despite these findings, until recently there was little or no guidance on how to handle economic issues specifically relevant to post-conflict situations.

USAID consequently decided it needed a practitioner's guide to lay out what is different about post-conflict situations and why its economic growth officers should develop programs that take these different circumstances into consideration. Better guidance tailored to the special conditions found in post-conflict settings would help the practitioner set sound, effective priorities and raise the odds of a successful transition out of the cycle of violence.

Economic Growth Programs: A Significant Part of the Solution

The purpose of economic growth programming in post-conflict countries is both to reduce the risk of a return to conflict and to accelerate the improvement of well-being for everyone, particularly the conflict-affected population. Economic issues could have contributed to the outbreak of violence in the first place, through the inequitable distribution of assets and opportunities or simply a widely held perception of inequitable distribution. Economic interventions need to be an integral part of a comprehensive restructuring and stabilization program. While economic growth is not the sole solution to resolving post-conflict issues, it can clearly be a significant part of the solution.

A New Approach

Evidence shows that early attention to the fundamentals of economic growth increases the likelihood of successfully preventing a return to conflict and moving forward with renewed growth. Since 40 percent of the post-conflict countries that Paul Collier and his colleagues have tracked have fallen back into conflict within a decade[2], it is critically important to heed this evidence and to alter the familiar donor approach, which focuses first on humanitarian assistance and democracy-building, with economic issues sidelined to be dealt with later.

Start early: Paul Collier, Professor of Economics at Oxford University and a leading expert on African economies, argues that external peacekeepers and robust economic growth have proven to be more critical than political reform in preventing a return to conflict.[3] Accordingly, many interventions designed to facilitate economic growth can and should be implemented at the very beginning of the rebuilding process, much earlier than traditionally has been the case.

Address the causes of conflict*:* It is critical to understand that paying immediate attention to economic growth does not mean doing the same thing that ordinarily is done in stable developing countries. Post-conflict environments demand a different approach. Countries emerging from violence have fundamentally different characteristics as a result of conflict. Most post-conflict countries were already poor and badly governed before the outbreak of violence. Their problems have almost always been made worse by conflict. More importantly, the nature of many of their problems has also changed. Their post-conflict settings are characterized by physical and human destruction; dislocation, unemployment, and demobilization of combatants; weak and fragile governments; high expectations and a sense of urgency; and residual geographic, ethnic, or other tensions.

Post-conflict economic growth programs must address as directly as possible the factors that led to the conflict, taking into account the fragility of the environment. Planning has to be based on much more than the narrow technical considerations of economic efficiency and growth stimulation. The programs must effectively expand the opportunities for and ensure the inclusiveness of the population. They should also be judged in part on the basis of whether or not they help mitigate the political factors that increase the risk of a return to hostilities.

What Is Required for Success?

Clear goals: Clear goals are critical, because—in the chaotic circumstances that characterize the post-conflict period—everything seems to be needed at once, and there could be many actors with differing priorities. Each post-conflict situation is different, but in general, economic growth programs should aim to:

- Re-establish essential economic governance functions and restore the government's legitimacy;
- Boost employment and improve well-being as quickly as possible;
- Address the root economic causes of the conflict; and;
- Stabilize the economy and position it to grow rapidly.

Sensitivity to context: In the post-conflict context, there must be heightened sensitivity to the political and social dimensions of the conflict. Economic growth programs must address these dimensions. Donors must consider the nature of the conflict, the nature of the peace, and the country's level of development as it emerges from the conflict. To be effective in such a sensitive political environment, every rebuilding program should reflect consideration of the impact it may have on the legitimacy of the government, on employment and improved welfare, and on equity or perceptions of equity of the various factions participating in the conflict.

A pragmatic approach: At the core of all donor-supported economic growth programs must be a highly pragmatic approach, based on an understanding of the critical barriers to resuming growth. Such an approach addresses simple issues first, removes barriers to the informal sector, and is structured in a way that offers the greatest immediate benefits in an equitable manner.

Host-country ownership: Post-conflict economic growth programs need to be carried out with full host-country ownership of the reforms, using national systems as much as possible. In addition, initiatives should be developed through a well-coordinated process that integrates multiple donors and the host government. Donors need to make effective coordination mechanisms a high priority from the beginning.

How Should It Be Done?

Donors should begin work in multiple areas immediately and simultaneously, and begin early to build long-term capacity.

Focus on the basics: Economic growth programming should focus on the basics of a functioning economy, with early emphasis on short-term effectiveness in stimulating economic activity and creating jobs, rather than on longer-term economic efficiency. In general, short-term results should trump longer-term payoffs in terms of programming choices. There are no hard-and-fast rules about these trade-offs. Judgment must be applied in every case.

Establish priorities: During the immediate post-conflict period, there may be a narrow window of opportunity to introduce difficult economic reforms. There also may be extreme limits on the government's capacity to implement change. Often, so many changes are needed that donors, working with the host country government, have to set immediate priorities on the basis of what will most quickly and most effectively generate employment and stimulate the economy.

Understand recurring trade-offs*:* Substantial structural challenges and the ever-present risk of a return to conflict mean that donors need to make decisions quickly, balancing trade-offs that are much more acute than in stable developing countries. Four trade-offs consistently recur:

- The need for effective economic solutions in the short term while moving toward more efficient solutions over time;
- The tension between the need to accomplish tasks urgently and (if they bypass

local institutions) the effect such actions might have on the government's perceived legitimacy;

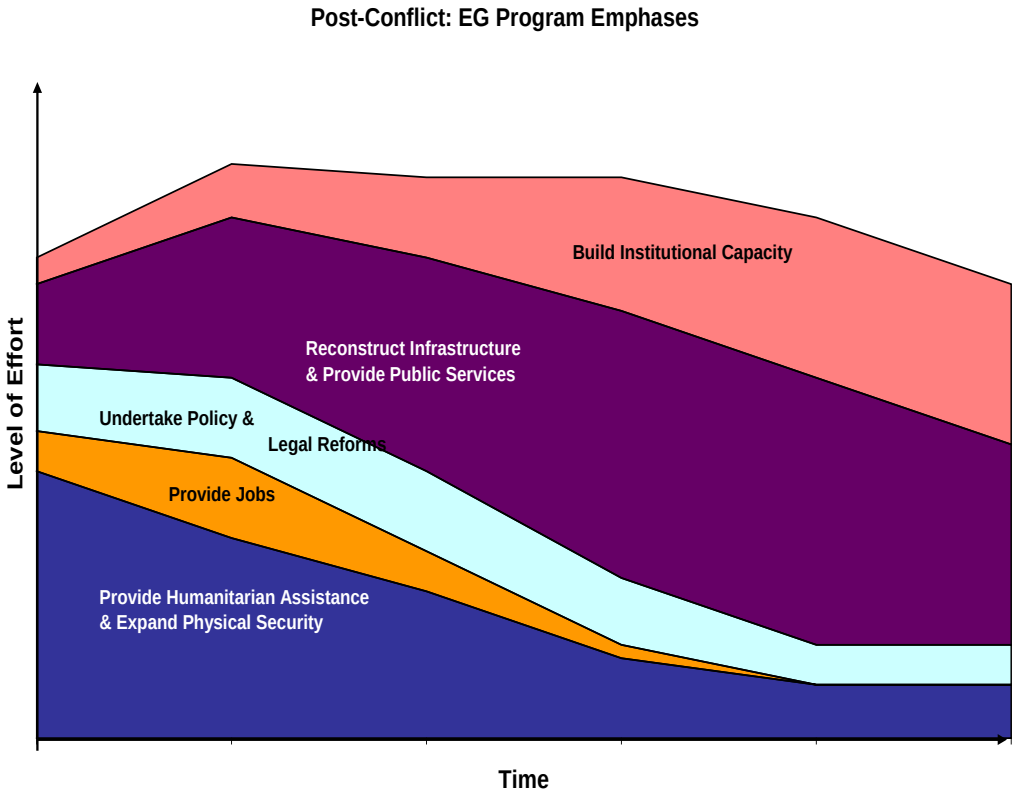
- The conflicts that can arise between short-term and long-term objectives; and
- The desire to use the window of opportunity to make significant economic reforms immediately after the conflict, contrasted with the very limited absorptive capacity of most governments to manage change.

Pay attention to sequencing: The termination of conflict creates an immediate rebound of economic activity, though typically not to pre-conflict levels. Donor and government consumption of local goods and services stimulates broader economic activity. Job-creation programs generate a temporary upsurge in employment and consumption. Donor and government investments in physical and social infrastructure stimulate demand in the short term and support growth in the medium and long term. Regardless of the effectiveness of donor-financed programs in the short run, it is the country's capacity to sustain economic growth that matters most for long-term success.

Donors must work with local government and non-governmental entities to quickly restore the delivery of critical public services. This will almost always require the use of external actors because of the diminished capacity of host-country institutions following a conflict. Donors should seek to associate their activities and the activities of nongovernmental organizations (NGOs) and the contractors they support with the host government in a way that re-establishes its legitimacy. However, donors should avoid "quick-fix" approaches that bypass existing local capacity. Instead, donors should look for opportunities to make use of local resources to begin to rebuild host-country capacity as quickly as possible. A greater role for host-country institutions in delivering services will be one of the most effective ways to re-establish the legitimacy of the host government. Donors and the host government must also communicate clearly and often to the public about what they are doing together to meet the people's needs. These communications should be based on shared objectives and informed by the work of donor-host country coordination mechanisms.

The diagram below illustrates how post-conflict economic growth programming can be approached. Early emphasis on providing humanitarian assistance and expanding physical security must be accompanied by programs to provide jobs and critical public services, and to reconstruct key economic infrastructure. Rapid growth requires sound economic policies to be established from the very beginning. In the longer term, programs must build up the host country's capacity to elicit the self-sustaining growth of a healthy economy. As results are achieved in the immediate post-conflict period, donors should assess which initiatives should shift from an emphasis on effectiveness and short-term results to a more nearly traditional emphasis on economic efficiency and long-term growth. The types of short-term programs that are appropriate for creating jobs and improving well being immediately following a conflict cannot and should not be funded in perpetuity by donors. There must be the clear prospect of growth through sustainable, productive, private-sector employment displacing the short-term donor programs. Keep in mind that the patterns shown in the diagram are purely illustrative; a great deal of

flexibility must be built into programs to allow them to respond to rapidly evolving post-conflict circumstances.



Part 2 of the Guide, "Best Practices," combines the principles set forth in Part 1 noted above with lessons learned from post-conflict experience to suggest best practice interventions in seven key sectors:

Chapter V: Macroeconomic Foundations

Fiscal Policy and Institutions

Monetary Policy and Institutions

Chapter VI: Employment Generation

Chapter VII: Infrastructure

Chapter VIII: Private-Sector Development

Private-Sector Enabling Environment

Enterprise Development

Chapter IX: Agriculture

Chapter X: Banking and Finance

Chapter XI: International Trade and Border Management

What follows is a discussion of key factors affecting the macroeconomic sustainability of the post-conflict transition and recovery. For a comprehensive discussion of these and other factors, please refer to Chapter V of the Guide.

Macroeconomic Foundations
Overarching objective: Rein in inflation and preserve price stability

Because inflation—especially at high rates—deters business investment, erodes the value of family savings, and can weaken or stall economic recovery, a central objective of fiscal, monetary, and exchange-rate management is to rein in inflation and preserve price stability. Host governments must regain control over state revenue and expenditures, and over the management of monetary and exchange-rate policies. In the post-conflict environment, some basic policy and related institution-building interventions are needed to ensure this control and maintain price stability. These interventions cannot be merely short-term undertakings. "In almost all reconstruction efforts, the task of creating new [monetary and financial] institutions has turned out to be harder and more time-consuming than expected."[4]

A. Fiscal Policy and Institutions
Overarching Objective: Put the host country on a path to greater budgetary self-sufficiency.

High levels of donor assistance, often totaling more than 20 percent of gross domestic product (GDP) during the initial post-conflict years, are not likely to be sustainable in the longer term. To adjust to this external financial reality, the host government must be able to adequately mobilize "own revenue" and soundly manage expenditures.

The nature and severity of the challenge varies from case to case, but fiscal challenges always loom in post-conflict countries, including lack of skilled cadres, destroyed tax bases, weak organizations and institutions, and massive public spending needs. Expertise among donor teams in developing and implementing thorough going fiscal modernization programs is almost always urgently needed for post-conflict rebuilding programs.

Early in the post-conflict period, the host government's capacity to collect import duties and excise taxes is usually stronger than its capacity to collect sales and income taxes. For this reason, the most effective strategy might be to maintain an initial structure of broad-based import tariffs coupled with a modest number of excise taxes. In the longer term, economy-wide taxes, such as a value-added tax (VAT, the most efficient type of tax for most developing countries) and income taxes, are more efficient; the country will need to shift its emphasis accordingly.

In the short term, along with paying attention to fiscal revenues, the authorities and the international community must determine whether the budget process works and whether the administration of public expenditures is operational and effective. Early donor support for budget execution and planning is likely to be required, with an emphasis on creating a single, consolidated set of treasury accounts and establishing an expenditure management system under the auspices of the ministry of finance.

During the early and middle post-conflict years, short-term reliance on revenues from border taxes or other simple taxes (such as excise taxes) is likely to be both necessary and appropriate. There are two important qualifications, however:

To complement improved policies for the collection of border and excise taxes and the administration thereof, there should be a review of the legacy system for direct taxes, especially corporate income and payroll taxes. Provisions of the direct tax regime might need to be amended or scrapped. This could be likely if the pre-conflict tax regime is highly punitive for law-abiding businesses (as in the Balkans during the 1990s) or if corruption among administrative staff is too difficult to curb.

Reliance on border taxes does not imply the use of simple or manual methods for assessment and collection. In a number of post-conflict countries, such as Kosovo and Liberia, the use of the Internet and other electronic methods to verify, value, and collect import tariffs and other taxes has proven to be feasible and important during the early stages of rebuilding fiscal capacity.

Table V.1 below provides a schematic of how fiscal reforms and capacity-building assistance programs might best be introduced, in sequence and intensity, over the post-conflict transition period.

TABLE V.1 FISCAL POLICY AND INSTITUTIONS PRIORITY AND SEQUENCING OF ASSISTANCE

Item	Urgent	Immediate	Intermediate	Consolidating
Expenditure control				
Receipts management				
Indirect (tariffs, excise, sales) tax control				
Direct (income and payroll) tax control				
Financial control over state-owned enterprises				
Fiscal policy planning and management capacity				
Reform of tax policy				
Economic and fiscal statistics				

	High-intensity level of assistance		Lower-intensity level of assistance		No assistance during phase

B. Monetary Policy and Institutions

It now is widely accepted that inflation, especially at high rates, deters business investment and weakens economic growth. In many post-conflict countries, one important early challenge is to overcome inflation (or even hyperinflation) to preserve price stability. A second major challenge is to restore or shore up the currency and payments system, which provides a medium for transactions and store of value for the public.

Overarching Objectives

- Help monetary authorities control the money supply and credit growth, in ways consistent with price stability; and
- Provide the private economy an efficient and safe system for payments.

The health of banking and of the financial sector is critical to a post-conflict economy's recovery and growth. The country must have the capacity to carry out financial transactions beyond a simple cash-and-barter economy. To achieve this objective, the government must have the capacity to make payments and the central bank to function effectively. In addition, public and private financial institutions, both formal and informal, must be able to service the financial transaction needs of households and enterprises as they renew their pre-conflict activities or enter new markets.

Donors should help establish a functioning financial sector that provides:

- Safety for savings through institutions that are trusted deposit-takers in order for households to safeguard their financial savings; and,
- Payment mechanisms or efficient accessible means to pay for goods and services through the formal financial system, in all significant trading centers. Payment mechanisms facilitate the exchange of value required for commerce and enable the government to pay its employees—particularly teachers, health care workers, and police—outside of the capital.

The expansion of lending is a longer-term objective, which takes place as capacity increases in the financial and commercial legal sectors. Experience has shown that the growth of bank credit to the private sector evolves slowly in the post-conflict period. Lending prematurely in an environment that is not conducive to loan recovery and where credit skills are missing can undermine financial sector and economic development by misallocating scarce resources.

In some cases, a central bank and a commercial banking system must be created from scratch. This is necessary when neither a viable central bank nor commercial banking system exists. In Kosovo and Timor-Leste, the International Monetary Fund led the establishment of a Central Payments Office (CPO), managed by expatriate experts, which provided transactional banking services between the private sector and the government and monitored government finances. In both cases, the CPO evolved quickly into a banking and payments authority with a strong local legal foundation and with wide central banking responsibilities, including the licensing and supervision of commercial banks.

A key political issue faced by most governments of post-conflict countries is the need to establish an appropriate degree of policy independence for the central bank. Over the past 50 years, the model of constitutional or statutory independence for the central bank—with a long, secure term of office for the central bank governor—has become accepted around the world. This institutional approach gives the central bank the authority to restrict or limit the government's access to credit from the banking system, thus curbing this potential key source of inflation.

Some post-conflict countries might wish to replace their old currency with a new one. This type of currency reform can be useful in a variety of ways. It can help restore confidence, show a break with the past, deal with simultaneous circulation of several versions of the national currency, and combat widespread counterfeiting.

Rather than resurrect and manage a national currency, a number of post-conflict states have adopted a strong foreign currency as their *de facto* legal tender. This approach, followed by Timor-Leste (which used the U.S. dollar) and Kosovo (which used the Deutsche mark and later the euro), obviates the need for the central bank to manage the country's monetary base. It also automatically regulates price inflation.

Retaining a separate national currency gives the central bank potential to manage real exchange rate (RER) developments by intervening in the exchange market. For this reason, it could be a valuable tool. Post-conflict countries, especially small ones where donor flows might constitute a large share of GDP, risk experiences significant RER appreciation when they receive large amounts of foreign assistance.

The central bank might need to provide temporary licenses to existing commercial banks, even if there are doubts about the banks' longer term viability. Commercial banks provide the public and the government with critical payments services (e.g., for meeting employee payrolls). In many post-conflict countries, pre-existing private or state-owned commercial banks have networks of branches and facilities that could provide these services. In such a situation, it might be best for the central bank to provide temporary licenses to these existing institutions.

Table V.II below provides a schematic of how monetary policy and capacity-building assistance could be implemented over the post-conflict transition period.

TABLE V.II MONETARY POLICY AND INSTITUTIONS
PRIORITY AND SEQUENCING OF ASSISTANCE

Item	Urgent	Immediate	Intermediate	Consolidating
Monetary control for price stability				
Exchange-rate management and/or currency reform				
Strengthened interbank and external payments systems				
Licensing of commercial banks				
Strengthened supervision of commercial banks				
Revised banking sector legislation				

	High-intensity level of assistance		Lower-intensity level of assistance		No assistance during phase

Chapter 15
Toward Conflict-Sensitive Macroeconomic Growth: Unraveling Challenges for Practitioners

By Raymond Gilpin, Ph. D., USIP

Macroeconomic growth is important in conflict-affected states because it can (1) create an environment conducive to sustained economic progress, (2) deliver a tangible peace dividend, and (3) help diminish aid dependency. Unfortunately, relatively scant attention is paid to the circumstances in these countries that limit the effectiveness of traditional approaches to macroeconomic reform. Most peace agreements and economic recovery programs acknowledge the centrality of a robust macroeconomic framework in state-building efforts, but very few practitioners know what this means or understand the relationship between policy prescriptions and macroeconomic outcomes in conflict-affected states. Fewer are able to contribute meaningfully to the design and implementation of strategies to attain and maintain the fundamental end state mentioned above. Consequently, the standard approach has been to apply traditional remedies to a very complex problem. Difficulties to trigger and sustain economic recovery in conflict-affected states like Iraq, East Timor, and Liberia attest to the folly of this approach.

Economic growth can play an important role in helping conflict-affected countries break out of the cycle of violence. Empirical evidence suggests that investment can reduce the risk of violent conflict, and economic growth has been positively correlated with improved living standards and employment creation.[1] There is thus an urgent need for an approach that can be more effective in these states; one that promotes growth while being sensitive to the risks and ramifications of conflict. In some cases, this would mean temporarily abandoning traditional approaches that prioritize low inflation and drastic reductions in fiscal spending. Over the longer term, the trade-off would be sustainable economic progress, an improved quality of life, and safe and secure environments. This paper examines the unique circumstances of conflict-affected countries, explains the rationale for conflict-sensitive macroeconomic policies, and discusses approaches to overcoming the potential challenges.

Understanding Conflict-Affected Economies

Conflict-affected economies are not homogenous. While many elements of various frameworks for economic reform might be similar for such countries, the content and sequencing of remedial policies must be customized. In addition to the need for situation-specific strategies, peace initiatives must be prioritized because these countries are very fragile. Policy frameworks must adequately reflect the costs and effects of peace building, most of which require multi-year commitments.

State fragility is a complicated phenomenon, encompassing a wide range of governance, institutional, and socio-economic factors. Some states have weak governance and economic systems that make it hard for them to sustain growth or development, while others have been affected by conflict and need to find their way back to the development path. Distinguishing between conflict-affected and fragile states is much more than a semantic exercise because determining policy frameworks on the basis of wrong categorization can be harmful. Conflict-affected states generally pose more difficult

development challenges than do countries with peculiar circumstances that require deeper analysis and more nuanced economic reform programs.

While such countries might share similar symptoms—flagging economies, weak social indicators, governance problems, and serious capacity constraints—they are by no means homogenous. Some are resource rich, others are not. Some are land-locked, others are not. Some have large populations, others do not. Therefore, while macroeconomic recovery programs should pursue the same end state (namely, sustained, broad-based economic progress), the design and implementation of programs for conflict-affected countries must be tailored to suit their unique circumstances. The policy mix, sequencing, speed of delivery, and availability of resources must all be considered in the light of the complex political economy challenges facing these states.

Why Do We Need Conflict-Sensitive Approaches?

Countries emerging from or affected by protracted violent conflict have unique economic characteristics, including fragmented markets and severely depleted capital. In addition, economic mismanagement might have been a proximate cause of the conflict, and economic instruments might have been used as levers to intensify and perpetuate it. The economic actors and institutions within such countries are therefore unlikely to respond quickly to price and policy incentives without attention being paid to these special circumstances. Achieving and sustaining economic growth requires policy frameworks that are sensitive to the reality of conflict-affected economies.

Fragmented Markets: Markets fragment during prolonged periods of conflict. The formal or official market is weakened by corruption, inefficiency, and declining revenue. A combination of mismanagement and wrong policy choices causes reserves to drop, inflation to soar, and exchange rates to become misaligned. The cost of doing business and growing inefficiencies drive businesses outside formal channels. The official market becomes an accounting convenience for the government and bears little relationship to the real economy. Entrepreneurs establish parallel markets that are illegal (*de jure*) but nonetheless increasingly constitute the real economy (*de facto*). Scarcity, combined with the politicization or control of trade, creates alternative marketing relationships for basic commodities like food and fuel. Military leaders (both government and irregular forces) wrest control of trade from legitimate trade officials through channels and contacts typically used for military transactions that are re-oriented toward commercial transactions. Quite often, these dealings involve trade in illegal or smuggled goods. The table below illustrates these markets.

MARKET TYPE	DESCRIPTION
Official	Government-controlled or supervised institutions; skewed prices; high costs of doing business; corruption and inefficiency.
Parallel	Real economy used by traders to avoid official market; prices much closer to true market; less corruption; risk premium.
Subsistence	Survival economy; often monopoly or oligopoly of individuals or groups keeping prices high; essential commodities traded.
War	Controlled by government officials or warlords; decisions not always based on economic rationality; force and coercion.
Illegal	Illegal goods; bribery; entrenched interests; and violence.

Most of the policy instruments of traditional macroeconomic strategies account poorly for this market fragmentation. The assumption of a formal-informal market dichotomy is neither accurate nor helpful.

Weak Capital Base: Violent conflict significantly weakens the capital base, making recovery much more difficult. The table below describes the impact on financial, human, social, and physical capital. Because significant investment is required to rebuild this capital before macroeconomic strategies can be effective, conflict-sensitive approaches should make provision for spending and incentives in order to address this issue. This is one area in which the state must become an active agent of change for sustained recovery.

ISSUE	IMPACT
Financial Capital	Livelihoods compromised, savings depleted, income avenues limited.
Human Capital	Weak labor force, brain-drain, recruitment and retention challenges.
Social Capital	Fragile support networks, need for reconciliation, vulnerable groups.
Physical Capital	Destroyed, inefficient networks, technological gaps.

Accounting for Economic Causes of Conflict: Many conflicts are either started or fueled by economic factors, and the key actors become important economic players. As players, they greatly benefit from the plunder of resources or unfettered access to revenue streams at the expense of the public good. Strategies for economic growth must not reinforce predatory economic activity—especially since the latter is usually associated with conflict, crime, and corruption. There is also the danger that attempts to jump-start

an economy can exacerbate long-standing economic inequities (since the main actors during conflict usually emerge as key economic players when the fighting is over). Conflict-sensitive approaches should thus pay close attention to actors and relationships to ensure that economic recovery efforts do not sow the seeds for future conflict.

Getting the right policy mix in developing countries is an age-old problem. These countries have experienced centrally controlled economies, personally controlled economies, welfare economies, and (more recently) open market economies. All try to answer the three fundamental economic questions—what does a country produce? how is it produced? for whom is it produced? —more or less satisfactorily. In most cases, the overarching framework is formulated and policies implemented in collaboration with international partners. In recent decades, the Bretton Woods institutions (the International Monetary Fund and the World Bank) have played a central role in this regard. The resulting economic reform agendas have rightly focused on stabilizing high-inflation economies and establishing a foundation for strong economic fundamentals over the longer term. Recent annual increases in gross domestic product (GDP) in a number of developing countries attest to the effectiveness of this approach in some cases. As pointed out earlier, however, conflict-affected countries do not just present a more difficult development challenge, they *are* a different development challenge. Neither the actors nor the institutions in these countries are likely to respond well to traditional policy prescriptions. A number of commentators have, therefore, accused the Bretton Woods institutions of prescribing economic programs that are inappropriate for fragile states.[2] Some critics believe that this advice (the Washington Consensus) can intensify social polarization and accelerate political disintegration.[3] This explains why there is a need for an approach that is conflict sensitive.

What Is a Conflict-Sensitive Approach?

A conflict-sensitive approach to sustained macroeconomic growth has three distinguishing characteristics: first, it highlights the three Es—employment, equity, and entrepreneurs; second, it is longer term in nature; and, third, it is more mindful about the links among actors and institutions.

Employment: Conflict-affected countries usually have to deal with high unemployment rates (following years of productivity decline), demobilized combatants, and displaced persons (both returnees and internally-displaced). The argument for putting people back to work is compelling on many fronts. Many traditional approaches assume that the private sector will eventually create jobs; however, for reasons explained earlier, robust private sector activity will take time to develop in these states. Since incentives must be built into macroeconomic programs to stimulate job creation in conflict-affected countries, a conflict-sensitive approach raises pertinent issues of fiscal expansion and possible adverse effects of related government spending. Quite apart from the political economy and security benefits of rapid job creation, expanding the workforce can raise output, boost domestic savings and demand, and lower the social dependency ratio. The costs of a conflict-sensitive strategy can be offset by short-term socio-economic benefits and long-term productivity gains. A conflict-sensitive approach to manage these issues should consider this trade-off and incorporate employment creation in non-traditional macroeconomic strategies.

Equity: Economic inequity or gross inequality plays an important part in triggering or fueling violence in many conflict-affected states. Policy-makers must be mindful of this when designing and implementing economic growth policies. In many cases, economic recovery programs focus on key sectors or industries—like oil in Iraq, rubber in Liberia, and mining in Sierra Leone. While these sectors clearly have the potential to generate impressive GDP growth rates in the aftermath of violent conflict, they do not lend themselves easily to addressing important equity issues. These sectors typically are characterized by large industrial operations in what are essentially enclave economies, and they typically have minimal impact on the rest of the economy. In effect, some of the past ills of the conflict-affected countries might be reinforced by the recovery of such sectors since their economic activities invariably involve pre-war actors (or their proxies) who have few linkages to the rest of the economy. Conflict-sensitive macroeconomic policies will help ward off such an outcome and will reduce income gaps and help preserve or improve the consumption levels of the poor. Policies to reduce income inequality will include more investment in human capital and specific value-chain interventions, which more effectively integrate local businesses in key industry activities. The consumption levels of the poor could be positively affected via explicit, but temporary, social safety-net programs and creative taxation policies. Broader, more effective moderate tax regimes are generally more effective than ambitious attempts at redistribution.

Entrepreneurs: Governments should include measures to improve the business climate in their conflict-sensitive macroeconomic policies. Public sector spending alone cannot ensure sustained economic growth. For reasons already discussed, macroeconomic strategies should rebuild capital and provide fiscal incentives for credible entrepreneurs. Traditional macroeconomic strategies concentrate on macroeconomic targets, and the business sector is expected to respond on its own. Since the structure and composition of conflict-affected economies makes this very difficult, government attention and investment is required.[4] Priority must be given to investment to restore institutions and mechanisms for public financial management, which will support recovery in the long run. This will facilitate private-sector development, employment creation, and improved investment opportunities. Private-sector growth must be inclusive and broad based and should be mindful of latent social tensions. The government must support such growth by improving its ability to administer economic programs, and by establishing regulatory and institutional frameworks that foster robust entrepreneurship.

Long-Term Nature: Conventional macroeconomic recovery programs typically focus on immediate stabilization and a return to steady economic growth in the medium term. Stabilization is anticipated within 12 months, and the medium-term horizon is estimated at three to five years. These time horizons are unrealistic for conflict-affected states where deep-seated and long-standing problems have been made even more intractable by years of devastating conflict, and where there is a need for concomitant investments in security and peace. Rebuilding policy frameworks, strengthening institutions, enabling entrepreneurs, and laying the foundation for lasting peace take much more time than the traditional programs provide for. In the conflict-affected states, macroeconomic incentives take relatively longer to work, and returns on public investments materialize

over a longer time. Recent empirical estimates range from 10 to 27 years.[5] Cumulatively self-reinforcing policies clearly require much more time to be effective.

Overcoming Challenges

Danger of Recidivism: A secure environment is a prerequisite for sustained, equitable, and broad-based economic growth. In conflict-affected states, misapplied economic policies can jeopardize security. Immediate and precipitous reductions in security-related spending, inadequate provisions for retraining or employing demobilized combatants, investments that entrench existing inter-group inequalities, and other activity that empower bad actors can threaten the security of a state and its people. This explains why conflict-sensitive approaches must lead to the transformation of their economies and not merely to a transition to normalcy (however defined). Conflict-affected economies tend to be dysfunctional, not simply weak. The complex political economies of societies emerging from conflict require targeted interventions; practitioners must have a conflict-sensitive focus on actors, institutions, and activities. Failure to recognize this can lead to relapses. By some estimates, half of conflict-affected states revert to violence within five years of peace agreements.[6] More thought must be given to strategies that incentivize good actors and isolate or reduce the number of bad actors.

Absorptive Capacity: Many conflict-affected states do not have the capacity to absorb the assistance they need. This is partly because their institutions, regulations, and human capacity are inadequate, and partly because their economic structures are weak. In such settings, significant financial inflows can end up doing more harm than good. Since absorptive capacity is a big issue, steps should be taken to augment such capacity to more effectively use inflows of aid. Besides the potentially adverse consequences of excessive aid, the rate of absorption, and the use to which absorbed inflows are put, matter a great deal, given the urgency and collectively reinforcing nature of investments in conflict-affected states. In such states more attention must be paid to how the assistance is used than to how much of it can be absorbed. Development outcomes differ greatly depending on whether the absorbed funds are used to pay wages, shore up reserves, or pay for imports.

Corruption and Impunity: Corruption and impunity are usually endemic following years of violent conflict. When countries tackle corruption and improve their rule of law, GDP can rise by as much as four times in the long term, the business sector can grow by an additional three percent annually, and child mortality can fall by as much as 75 percent, according to research by the World Bank Institute.[7] Its findings showed that corruption hinders investment; it was found to impose a 20 percent tax on foreign investors. Tackling corruption is especially difficult in conflict-affected countries, not only because the government institutions are weak and law enforcement is lax, but also because former combatants, who likely had been responsible for violent conflict and nurtured the illegal economy, occupy positions of political and military authority. To deal decisively with such problems, countries must invest in robust regulatory structures and independent judiciaries. These measures must be backed by unwavering political support.

Integrating Non-Formal Economies: Most traditional policy frameworks do not fully address fragmented markets in conflict-affected states. This fragmentation persists years

after violence abates during which the actors, relationships, and modalities of trade (most of which are inefficient and not growth-enhancing) remain prominent in economic activity. Integrating informal market structures requires much more than legislation. Formal channels should be made more accessible to and affordable for the nascent business sector. Some financial instruments should be retooled to serve the non-formal sector, since it should not be expected or required that all economic actors will transact business through commercial banks. Microfinance institutions, trade credits, and extension services can also facilitate the integration of informal markets in the formal economy.

Role of International Actors: Support from international partners (governmental, inter-governmental, and non-governmental) can be instrumental and invaluable in the early stages of economic recovery. Their aid can take the form of budget or project support, technical assistance, remittances, and debt relief—all of which afford the government fiscal space to put its house in order. To ensure self-sustaining progress, care must be taken to avoid establishing parallel systems. International aid can have adverse effects, however. The most prominent is aid dependency, which undermines public finances and prevents governments from making hard restructuring decisions in a timely and speedy manner. International assistance can also inadvertently compromise growth prospects by disproportionately benefiting some groups at the expense of others, thereby perpetuating war economies and exacerbating inter-group inequity. International assistance to Somalia in the early 1990s and later to southwest Sri Lanka has been cited as examples.[8] Perceptions also matter. In this regard, a number of non-governmental organizations have asserted that the international economic assistance given to Iraq and Afghanistan by various multilateral institutions is widely viewed as a fig leaf disguising powerful diplomatic and business interests.[9]

Practitioners should bear the following elements of conflict-sensitive strategies in mind to ensure sustainable macroeconomic growth in conflict-affected countries**.**

- **Macroeconomic End State:** Sustained increases in productivity are essential and fundamental, but must be complemented by strong measures that reflect a "growth plus" strategy creating jobs, reducing inequality, and improving the business environment. Longer-term horizons should be considered because of the necessary investments in peace, institutions, and infrastructure. The overarching goal should be transformation, not transition. Policy choices must not reignite conflict or perpetuate inequity or empower bad actors. Conflict-affected states are not homogenous so cookie-cutter approaches will not work.
- **Monetary Policy:** Economic stabilization should be phased to accommodate investment needs and job creation requirements in the early months and years. The trade-off between inflation and the fiscal deficit must be accommodated in the early years, and productivity gains in the outer years should be programmed. Ambitious medium-term targets (three to five years) should be avoided. Policy-makers should devote more attention to managing reserves and debt than inflation targeting. Policy-makers must also balance the need for monetary sterilization (and accompanying interest

rate hikes) against the importance of supporting the nascent business sector. A strengthened central banking authority is an institutional prerequisite. It facilitates the payments system and ensures proper financial intermediation.

- **Fiscal Policy:** The initial task should be to improve public expenditure management (the wage bill and procurement) and tax collection (by broadening the tax base and effective tax administration). Targeted growth-enhancing spending—including infrastructure projects and social safety nets—should be implemented. Monetized financing of the fiscal deficit should be replaced by open market operations (i.e., the purchase or sale of government securities by the monetary authorities to increase or decrease the domestic money supply), and the financial market should be progressively deepened. The fiscal institutions should be strengthened to reduce waste, tackle corruption, and enhance efficiency.

Conclusion

Conflict-affected states present policy-makers with complex and unique development challenges. Traditional strategies for macroeconomic reform and economic growth cannot adequately address these challenges and have proved ineffective. As a result, state-building and peace-building efforts have been compromised by weak and unpredictable macroeconomic foundations. Low and episodic rates of economic growth, widening inequalities, and aid dependency have contributed to conflict recidivism in many states. Conflict-sensitive approaches can address the unique circumstances of these countries and contribute to sustained economic growth, which can lay the foundation for broad-based development and more peaceful societies.

Chapter 16
Employment Generation in Post-Conflict Environments: Linking Short- and Long-Term Initiatives

By Rachel Blum and Jerome LeBleu, CHF International

Introduction

The ability of a country to recover from a sudden or protracted conflict is largely shaped by its ability to stimulate economic growth over the short and long term. Donors, practitioners, and policy-makers agree that "sustainable economic growth has the potential to mitigate the emergence and re-emergence of conflict and stabilize conflict-prone societies."[1] The phrase "golden hour" has been described by the U.S. Institute of Peace as that period, usually one year after the cessation of hostilities "when the international community and the affected country can act either to lay a foundation for a full recovery from conflict or to set the path for a recurrence of fighting."[2] CHF International's own work points to the important role of economic actors who have a stake in stability during this period and the prospects that a more stable environment opens to them.[3]

Several types of responses can set the course for economic stabilization. This paper focuses on employment generation immediately following protracted conflict. Our purpose is to illustrate best practices to create jobs, highlighting the importance of linking short-term efforts that seek immediate results with longer-term action, which sets a foundation for sustainable development. In this regard, practitioners have long recognized the delicate balance between short-term stimuli and the longer-term need to improve labor market efficiency to sustain private-sector employment.[4]

To illustrate these practices, we describe a case study from Haiti, where the U.S. Agency for International Development and CHF International, in cooperation with international and Haitian partners, are implementing an $87 million employment generation program employing over 100,000 at-risk youth in five urban centers. This four-year program began in November 2006, months after the election of President René Préval and the January 2006 United Nations offensive in Cité Soleil and subsequent raids nationwide, in which leading gang members were killed, imprisoned, or forced out of the country. The long-term outcome of this program remains uncertain because the immediate palpable improvement in security in early 2007[5] has since fluctuated to include bouts of insecurity, most notably the 2008 food riots that erupted in several cities in response to rising food prices.

In fact, a July 2007 report by the International Crisis Group states that "the improved security environment has not solved poverty, urban violence or lack of progress on disarmament."[6] Data collected in 2006 shows that 61 percent of Haiti's population is below the age of 24, with 24 percent of the total between the age of 15 and 24.[7] The unemployment rate of persons between the ages of 15 and 24 is estimated to be three times greater than for persons 35 to 44. Not surprisingly, a report done by the International Crisis Group in 2006 found that many disadvantaged young Haitian men (and increasingly young women), who have few legitimate opportunities for advancement, consider gang culture the one viable alternative for socio-economic

integration.[8] Compounding the threat of gangs and their illicit activity is growing urbanization. As rural areas continue to offer fewer opportunities for sustainable livelihoods, Haitians are flocking to urban centers and overcrowding already dangerous and economically depressed slum areas. In 2003, 40 percent of Haitians lived in urban areas, up from 25 percent in 1982.[9]

Against this backdrop, the U.S. Government and other bilateral and multilateral agencies have been supporting the Government of Haiti through donor assistance that aims to mitigate the potential for conflict, to revitalize the public asset based through infrastructure reconstruction, and to create jobs. From March 2006 to September 2007, $965 million had been disbursed to address humanitarian needs.[10] Infrastructure investment in Haiti has increased 176 percent since 1995.[11] Most of this investment has been provided by multilateral and international organizations (around 95 percent according to the World Bank).

Identifying Best Practices

This level of infrastructure investment in Haiti reinforces the presumption that "the condition of infrastructure is often a barometer of whether a society will slip further into violence or make a peaceful transition out of the conflict cycle."[12] Infrastructure often represents the sector with the greatest potential for rapid growth, including the creation of jobs, immediately following protracted conflict. Infrastructure is thus an important channel through which to generate employment.

Our challenge is to better understand how to implement job creation programs that meet immediate stabilization needs while laying the foundation for longer-term economic growth. Much literature demonstrates the scarcity of "concrete, applicable tools, methodologies and guidelines to help relief and development practitioners design and implement interventions that build steadily toward sustainable economic growth, beginning in the transitional and immediate post-conflict phases."[13] Several lessons have nevertheless been learned from the work of international donors and practitioners, as summarized in the following paragraphs.

Two critical considerations that define and drive an appropriate microeconomic response in conflict-affected environments is the understanding and benchmarking of the larger social, political, and economic context. Several studies demonstrate that the nature of interventions in a conflict-affected setting is largely determined by the stage of conflict in the country targeted—be it pre-conflict, acute crisis, or post-conflict—as well as by the stage of livelihood or economic deterioration.[14] Such stages of conflict can be framed using a causal model.[15] Within this framework, the context of a situation determines a program's ultimate goal, which then

Identifying Desired Outcomes of Stabilization Efforts

Understanding a country's social, political, and economic context is an important first step in designing and implementing a post-conflict economic recovery and stabilization program. A microeconomic response may focus on one or several of the following desired outcomes:

- Build economic stakes in stability:
  - Generate trust/ faith in new political systems
  - Stimulate productive activity among disaffected youth/ urban populations
  - Reintegrate ex-combatants
- Revitalize infrastructure supporting economic activity
- Inject capital into economy
- Create more favorable climate for investment
- Restore livelihoods/ assets, particularly among vulnerable groups

leads to desired objectives or outcomes and ultimately the design of specific interventions.

Most post-conflict economic programs seek to increase household incomes, boost revenues among enterprises, or generate jobs or enhance employment among a target population. Common interventions could include cash-for-work through the rehabilitation of infrastructure; workforce development and job training through local training providers; value chain development in agriculture and manufacturing; development of local business service providers to support the growth of micro, small, and medium enterprises; and strengthening of financial services through microfinance institutions and commercial banks.

In the Haiti context, the aim of USAID and CHF has been to support the Préval administration's stabilization efforts by stimulating immediate employment in five target cities as a means to mitigate violent conflict and by laying the foundation for long-term jobs and institution building. It was important that CHF's program not only implement projects with visible results, but that it do so in a way that would affect long-term progress.

Program design must be grounded in sound analysis. USAID's Office of Conflict Management and Mitigation emphasizes the importance of a baseline assessment to identify the "essential components that make up the livelihoods of a particular group during a 'normal' time, including a review of historical market data, interviews with civilians including private sector actors, as well as marginalized groups."[16] General economic mapping, market assessments, reviews of household economies, and a comprehensive look at industries and specific value chains could inform opportunities where there is high potential for growth and employment. Through its Accelerated Microenterprise Advancement Program, USAID is documenting the use and applicability of the value chain approach in conflict-affected environments.[17] The findings show a definite orientation toward making conflict analysis a necessary step in the design and implementation of recovery and economic growth programs.

Several other best practices have been widely accepted by economic development practitioners working in conflict-affected areas. A recent panel discussion at the Small Enterprise Education and Promotion (SEEP) Network Annual Conference[18] highlighted many such lessons, such as the need to focus on the rebuilding of pre-conflict business firms. Also recommended was paying greater attention to end-market buyers and demand trends, which will pave the way for successful, long-term economic development.

Successful microeconomic programs typically focus on strengthening existing relationships within the private sector rather than attempting to forge new ones between conflicting groups. Multiple stakeholders (private sector, public sector, and civil society) should be involved at various levels of such programs to ensure transparent and inclusive decision-making. The programs must acknowledge the key change agents within the economic sphere: those who have enough influence to impact change, but are not entrenched in the status quo or have an economic or political interest in instability. Development assistance should be channeled through existing service providers—commercial banks, microfinance institutions, local consulting firms, and non-

governmental organizations—rather than through new service delivery entities to minimize dependencies on foreign assistance. The interventions should be commercially viable and reflect a clear exit strategy.[19]

Case Study

CHF's KATA program in Haiti is a ground-breaking, bottom-up program that is transforming the lives of thousands of Haitians. (KATA or "Konbit Ak Tet Ansanm" signifies drumbeat in Haitian Creole.) It is a four-year, $87 million program financed by USAID and is focused on the five cities of Petit Goave, Port au Prince, Saint Marc, Gonaives, and Cap Haitien.

KATA is based on the principle of the local populace working together to achieve a common goal. The program depends on the engagement and collaboration of all its partners: all levels of the Haitian government, the informal and formal private sectors, and the local communities that are at the core of the program. Together, these stakeholders identify, prioritize, and implement job creation projects. Like a Haitian drumbeat, KATA symbolizes the positive rhythm of change the program is bringing to Haiti.

Two years into its implementation, KATA is a fascinating case study because of its ambitious scope and comprehensive approach to economic development and stabilization. Its overarching goal is to advance stability by stimulating employment and supporting sustainable livelihoods in highly volatile areas. Since November 2006, the program has sought to achieve this goal by generating short-term employment through the implementation of community-identified infrastructure projects; integrating local capacity building into project design; and providing to Haitian youth workforce development services targeted toward sectors in need of skilled labor.

Infrastructure: The KATA program was designed to support the efforts of the Government of Haiti and of the United Nations Peacekeeping Mission in Haiti immediately. CHF's infrastructure improvement initiatives combine direct implementation with subcontracting to qualified Haitian firms whenever possible. The proportion of subcontracts to direct implementation is rising as the program progresses. In its application of a value chain approach to the rehabilitation of the public asset base, CHF has set up mechanisms to improve the competitiveness of Haitian construction firms by helping them build their capacity to respond to bids, prepare realistic budgets, uphold quality standards, and maintain transparency in performance. Whether implemented directly or through subcontracting, the program draws upon the knowledge of local organizations and of its own employment officers to ensure that local labor is involved whenever possible and that most of the intended beneficiaries participating in it are highly vulnerable persons.

Capacity-Building: One defining feature of the KATA program is the integration of capacity building in the infrastructure projects mentioned above. This approach is driven by the idea that making program investments sustainable beyond the implementation period requires effective government participation, demand-driven community consultation, and leveraging of private-sector interests. To do this, the KATA program

relies on steering or KATA committees, composed of 15 to 20 community and private-sector leaders and government officials from a given urban or peri-urban center, which identify core priorities and propose projects keyed to these priorities. To encourage local monitoring of these projects, project working groups made up of steering committee members directly related to the projects and residents or leaders of the affected community conduct thorough project assessments before final approval of the projects.

The KATA committees provide on-site training to members, who must as a group design and implement a strategy to achieve their goals. To encourage government participation and to strengthen the sustainability of projects, the KATA program provides the government a formalized role in local institution capacity building by its helping to develop the basic project management skills of at least 75 local government officials. This local government capacity-building component is provided primarily through technical assistance in operations and maintenance of government projects, as well as participatory decision-making and transparency in reporting.

Workforce Development: The KATA program's focus on improving Haiti's stability through short-term employment is complemented by a concurrent emphasis on creating sustainable skilled jobs through workforce development. CHF conducted a workforce gap analysis at the start of the program that identified labor market trends and the specific positions and skills required by employers in each of the geographic target areas; assessed the knowledge, skills, and abilities within the program's target groups; and identified long-term employment opportunities that might ensure a living wage. Having identified priority intervention areas, CHF provides the following services to qualifying participants:

- **Career preparation:** Analysis of an individual's skill level based upon an interest inventory and skills analysis;
- **Career development:** Academic, vocational, and livelihood skills training;
- **Career transition:** Eighty percent of time devoted to practical work and twenty percent to improvement of employment or entrepreneurial skills; and
- **Post-employment support:** Tracking of program graduates during six months to ensure job satisfaction of graduates and employers, and analysis of data collected to determine effectiveness of training programs.

Private-sector demand is the key to success of the workforce development initiative. The KATA program has formed local business councils in each geographic target area to focus on priorities and strategies to develop a workforce that meets market demands. The business community members are selected based on their leadership potential, commitment to the program objectives, and willingness to provide apprenticeships and long-term employment to appropriately skilled highly vulnerable people.

KATA has much potential to link short- and long-term employment within the construction sector. The program administrators performed an analysis of the public infrastructure value chain to determine how the program could channel its interventions not only to create jobs but also to stimulate competitiveness in the sector. Among

strategies being pursued are the provision of assistance to small- and medium-sized contracting firms for them to compete against larger firms, skills training to master craftsmen and lesser-skilled laborers, and support to construction trade associations for them to address the legal, regulatory, and financial barriers to competition.[20]

Facilitating Private-Sector Investment and Market Linkages: Placing vocational training graduates in long-term jobs outside the public sector necessitates simultaneous support to the Haiti private sector. The KATA program seeks to accomplish this by promoting micro, small, and medium enterprise (MSME) growth, establishing market linkages between and among local and international enterprises, and by facilitating access to capital. The program is taking advantage of opportunities created by the Haitian Hemispheric Opportunity through Partnership Encouragement (HOPE) Act, which allows duty-free entry into the United States of garments assembled from fabric originating in the United States. The program might facilitate linkages between MSMEs and larger textile firms, both domestic and international, and might induce co-investments generating more employment of KATA target beneficiaries.

A final measure of KATA support to the Haitian private sector is access to capital. The program addresses this need by disseminating information on credit programs throughout the target area; by sponsoring microfinance credit fairs; and by helping technical assistance providers to work one on one with entrepreneurs for them to understand the loan process and put together credit applications. The program is building relationships with microfinance institutions, such as Fonkoze Financial Services and Sogesol, to present to them SME program-affiliated loan applications.

KATA Challenges, Trade-offs, and Recommendations: After encountering obstacles, the KAPA program has adapted its approach to maximize operational efficiency.

A major challenge had been management of competing demands between realizing immediate outputs and long-term development objectives. KATA is meant to provide immediate short-term livelihood benefits to Haitian citizens; however, the rush to implement projects in the first few months came at the expense of setting up operating systems in synch with longer-term program goals. Payroll systems that facilitate project implementation were given greater priority than capacity-building initiatives that help to ensure project sustainability but slow project implementation. The reason could be that although operation and maintenance plans are vital to project sustainability, they are difficult and time-consuming to design and implement, and thus slow the execution of projects. Moreover, capacity building, while in line with peace and security objectives, does not necessarily generate long-term jobs and thus tends to be a supplementary activity within the overall program framework. The trade-off between two critical project criteria—effectiveness versus efficiency[21]—has made it difficult for KATA to ensure optimal outcome of both rapid and thorough implementation.

The urgency of the program at the initial stage required an intense focus on the execution of projects centered on the primary driver of short-term stability, namely short-term jobs. While this was a necessary focus, programs like KATA must nonetheless be designed in a way that guards against their becoming too narrowly centered on achieving a series of projects to the detriment of the larger strategic objective. The program design should

avoid a compartmentalized approach to short-term and long-term job creation since the design must reflect the fact that the creation of long-term jobs requires substantial investment of time, effort, and staff resources before they materialize.

Another challenging trade-off arises from the very nature of infrastructure projects to be implemented. Program staff discovered early on that restoration of the most complex "economic" infrastructure in Haiti required heavy machinery and so was not labor-intensive enough to meet short-term job targets. Although projects such as market access road construction corresponded to the long-term job creation goals of the program, the projects were lower priority than other projects that created more short-term employment. As other practitioners have noted, CHF's experience with infrastructure projects confirms a common short- versus long-term trade-off when implementing employment generation programs:

"Many of the jobs offered through transitional employment programs are not likely to lead to future employment; they may only provide on-the-job training and income for a short period. Nonetheless, this may be sufficient if opportunities for other types of jobs begin to appear as the economy revives."[22]

After focusing on public works employment for two years, KATA is emphasizing private-sector employment and investment and the market linkage initiatives described above. The shift has not been easy.

One critical challenge that CHF has faced not only in Haiti but in other conflict-affected environments, as well, has been unrealistic donor expectations regarding job creation. CHF has concluded that setting the foundation for better long-term jobs (by KATA's beneficiaries earning more income in their actual jobs or transitioning from part- to full-time employment) is more realistic than creating new long-term jobs, which programs like KATA cannot be expected to create out of thin air. Creating such jobs depends on macroeconomic factors and business opportunities external to the program. KATA is thus taking advantage of investments engendered by the HOPE II bill. That being said, many of KATA's workforce development graduates are back in the labor force with better jobs and larger salaries. KATA projects in construction and repair of irrigation canals have improved the yields and revenue of many farmers.

The payoff of CHF's early efforts to work with the private sector to create long-term jobs developed slowly. CHF found that private entrepreneurs in a conflict-affected area like Haiti in 2006 narrowly focus on ways to revitalize and grow their core business operations, and need time to warm up to ideas such as partnering with a non-governmental organization like CHF. Since KATA was not intended as a private-sector development program, per se, and its activities were not originally structured to pay much attention to the building of relationships with private-sector actors, this fact should be reflected in programs that aim to catalyze jobs in the private sector. The prospective role of the private sector must be reflected up front in program design and analysis, due diligence, and outreach to private business firms, as well as the staffing requirements required to develop and maintain relationships with the private sector.

CHF, like all other development actors, has also suffered setbacks in Haiti caused by events that have recently shaken the country. The volatile security situation in the first year of KATA's implementation (2006), the food riots in April 2008, and the four storms that hit the island in August and September 2008 caused delays. These events resulted in a re-prioritization of program activities that did not match the KATA program's initial focus. The riots, provoked by rising global food prices, prompted a programming shift toward high-intensity labor projects in agriculture. Since the hurricanes devastated the country as a whole and Gonaives in particular, responding to the immediate needs of the persons affected was the right thing to do.

Looking forward, KATA's programming for its final two years calls for CHF to focus less on the creation of short-term jobs and concurrently to increase its long-term job-creation efforts. The partnerships that the program staff established with the Haitian private sector during the first two years of the program's implementation are expected to bear fruit in the form of long-term job creation. As a result of CHF's extensive experience implementing infrastructure projects during the first two years, CHF has a well-oiled system in place to efficiently and effectively implement such projects.

The complex nature of KATA's objectives (generating short- and long-term employment in volatile areas), combined with the exogenous challenges encountered in the first two years of the program, necessitated flexibility and creativity. USAID, as KATA's primary funding source, has given CHF and its partners the margin of maneuver that permits them to adjust the program to reflect Haiti's shifting conflict dynamics and economic environment. An important lesson is that in a conflict-affected environment, stability rests not only on generating short-term results, but also on building the long-term foundation for sustained employment and economic growth. The experience and skills that CHF gained in the course of addressing these challenges will make it easier for CHF to move forward as new challenges arise in the final two years of the program.

Chapter 17
Local and Donor Obstacles to Restoring Public Administration Capacity in Post-Conflict Societies

By Amit A. Pandya, Stimson Center

Problem

More than five years after the international community intervened in Afghanistan with substantial military force, and despite the expenditure of billions of dollars in assistance including in excess of half a billion dollars for technical assistance and capacity building, the indigenous capacity of the Afghan government to perform its sovereign responsibilities remains fragile. This fragility is the result not only of the insecure situation, but also of the mutual failure of the donor community and the Afghan government to effectively use the hundreds of millions of dollars given to it to enhance public administration. The government remains dependent on foreign technical and administrative expertise.

The failure in this case is not so much one of the wrong precepts being applied. Instead, it is that what has been learned and is widely understood has been ignored in the making of policy and in the design of assistance strategies to rehabilitate public administration.

This note draws lessons from recent attempts to restore public administration capacity following conflict. The initiatives are almost always desired by the transitional governments of the countries concerned and are often adopted at the behest of other interested governments (troop contributors or donors). The initiatives are often designed by these outsiders and are almost always predominantly funded by donor resources. There is frequently doubt about the fundamental question of who controls such work.

Whereas similar doubts generally plague all donor-funded rehabilitation and reconstruction efforts, in the case of public administration—the essential function of a sovereign government—these doubts present a particular difficulty. If the government of a country concerned is only partly in charge of such efforts, how responsive are the foreign donors likely to be to local conditions and constraints, and how effective can the transition be to full sovereign control of government functions?[1]

There is little surprise in the lessons we have learned from attempts to restore public administration capacity following conflict. They have been noted repeatedly. Yet in every recent case of post-conflict rehabilitation and reconstruction they appear to have been ignored at the outset or forgotten in mid-implementation. A restatement of the obvious might have value as an explanation of recent failure and as a reminder of what should be borne in mind in future attempts. At the very least, a comprehensive checklist could serve as a counter to the pull of pragmatic measures to create short-term capacity at any cost, even that of long-term sustainability.

Capacity-Building and Importance of Public Administration

Public administration is what enables all other social activity to proceed. Without effective state institutions, regulation of economic activity and social initiative is impossible. There can be no meaningful or effective restoration of the social and

economic processes and dynamism of a society without restoration of public administration.

In almost all post-conflict situations, one finds deterioration of the physical infrastructure of administration. This includes elements such as office space, furniture and equipment, as well as communications procedures and systems. Such deterioration is the inevitable result of destruction by violence or of the neglect that afflicts routine functions in crisis situations, as well as the lack of resources resulting from lowered economic activity and revenue collection. We also uniformly find deterioration of the human resources of public administration, owing to lack of attention to education, training and transmission of knowledge, and emigration of qualified personnel.

From the recent experience of Afghanistan, we see how vital to overall security and to the success of stabilization are the activities enabled or facilitated by effective public administration. A recent poll conducted by the Asia Foundation found that twice as many Afghans cited economic issues as did those who cited security as the biggest problem in their country. The overwhelming majority are concerned about issues such as unemployment and higher food prices. At the local level, the main concerns cited are poor or non-existent electric power, water, and roads. Not one of these issues can be effectively addressed without effective government regulation and public investment.

The principal measures for the effective restoration of public administration posited here are the transfer, adaptation, and local mobilization of the services, skills, knowledge, technology, and engineering, which are required to build national capacity on a sustainable basis. The object of these efforts is to create sustainable local capacity that will outlive international community intervention and donor attention, while recognizing that an outside agency remains important at the outset to facilitate the transfer and adaptation of these goods.

The types of assistance required by conflict-affected governments and offered by donors consist of two types. Technical assistance (TA) is, or should be, an emergency measure to jump-start governance and public administration in an environment where these have been neglected and have seriously atrophied. In the absence of sufficient locally available indigenous intellectual and human resources, TA might be required to draw on expatriates as a substitute for the indigenous capacity not yet available. These foreign advisors could perform operational functions or offer advisory services.

Medium- and long-term capacity building is directed at creating sustainable local capacity that will survive the withdrawal of external providers. TA should be used for the training of nationals, preferably career civil servants, of the country concerned. It should have as its guiding principles the need to transfer technical and management functions to local officials as soon as possible, and the need to progressively diminish their reliance on expatriate expertise.

In the absence of progress along a continuum from short-term technical assistance to medium- and long-term indigenous capacity, the government of a conflict-affected country is likely to remain substantially dependent on outside expertise and resources long after the intervention of the international community can realistically be expected to

terminate. Thus, there remains a real danger that the withdrawal of the international community's resources could cause the host country's entire public administration capacity to collapse, thereby leaving a vacuum of political authority and legitimacy at precisely the time that the international community's withdrawal places a premium on such authority and legitimacy for the maintenance of peace and security.

Obstacles

The training of, and transfer of functions to, local officials and experts in order to build long-term capacity are practically impossible in the absence of a firm commitment among expatriates and donors to empower local officials. Too often, lip-service is paid to this precept, yet the culture of the expatriate assistance community remains skeptical or contemptuous of host-country authorities, and the political reality of foreign military, diplomatic, and donor interventions skews power, influence, and intellectual authority away from local officials.

Many other systemic obstacles prevent effective and sustainable capacity building for public administration. These are not necessarily put up by donors or a conflict-affected government or other elements of the society of the country concerned. The obstacles are susceptible to solution through the cooperative efforts of the international and local authorities. Among the most significant obstacles is that the short-term technical assistance that is intended as a stopgap takes on a life of its own. Long-term capacity development is then sacrificed to short-term efficiency considerations.

As a result, insufficient attention is paid to the transition to long-term capacity building. There are many good reasons for this inattention. There is plenty to be done in the present. Meeting the immediate basic needs of the populace is compelling, since the levels of health, education, fuel, electric power, and clean water they have determine the misery or happiness of human beings who have suffered more than their fair share of hardship. Jump-starting a minimal level of economic activity is, therefore, essential in the short term. In the face of such pressing demands, transitioning to long-term administrative capacity building becomes a lower priority. The lack of indigenous experts in public administration reinforces this tendency.

When the success or the failure of a government to meet these immediate needs determines the popular legitimacy of that government—and indeed of a fragile transitional post-conflict or post-crisis political order—meeting them is essential to the maintenance of security against rebellion or violent resistance.

The same immediacy of need relegates to lower priority the creation of a planning mechanism to reconcile short-and long-term objectives in which all stakeholders, indigenous and donor, can participate and in which the divergent parochial interests can be harmonized and advanced. Too often, such planning mechanisms provide for a nominal body without power and authority to create coordinated planning processes.

The orderly conduct of capacity building is hampered by limitations resulting from the inability of government institutions to gather, retain, and analyze data. Also important are the limitations resulting from obstacles to systematic data gathering posed by the usually

insecure environment. These limitations hinder such planning that does take place, since it is compelled to proceed in a vacuum. They also hamper the monitoring of results necessary to the course corrections required for sustaining a long-term process of capacity building.

Government

Several weaknesses and obstacles present themselves to governments of countries affected by conflict, handicaps that are part of the nature of the post-conflict environments and the weak governmental structures and capacities that inevitably characterize such environments. At the heart is a vicious cycle. The governments lack capacity to absorb and manage, to domesticate and indigenize, the technical resources that donors provide to them. This forces their continued reliance on outside experts. The lack of skills in most local government institutions to participate meaningfully in a system to rationally allocate short-term technical or long-term capacity-building assistance or in project planning and project implementation compounds their reliance on outside experts.

Equally troubling is the inevitable lack of a clear policy vision on the part of the conflict-affected government in a context of deteriorated intellectual and political processes and institutions.

Donors

Certain characteristics of donor operations act as obstacles to development of sustainable public administration capacity, and particularly to effective transition from short-term technical to long-term capacity assistance. Some are inherent to donor practices for good reasons of accountability and of flexibility and agility in planning and implementation of assistance. Donor funds are often channeled directly to non-governmental organizations, to international organizations, such as the United Nation agencies or regional organizations, or to consulting firms. Donors have varying procedures, rules, and requirements. Weak consultation and reporting mechanisms among donors and between donors and affected ministries compound the difficulty in coordinating the efforts of a multitude of assistance providers in an environment characterized by a panoply of inconsistent rules and procedures.

Other donor constraints are less excusable. The lengthy contract and procurement processes of donors result in delays in the provision of TA and capacity-building assistance. Not only does this mean that assistance arrives later than desirable; delay also results in rendering the assistance unresponsive to fast-evolving needs or rapidly changing awareness of needs. This set of problems is compounded by subcontracting. It has become an increasing part of assistance provided that contracts have grown in size and complexity while donors struggle to accomplish complex and substantial sovereign tasks through private-assistance providers.

Procurement by donors of specialist services for technical assistance, training, or other capacity-building assistance is often limited to citizens of the donor country concerned. In the case of the United States, regulatory requirements limit the universe of eligible

providers to a list of long-established consulting firms, thus providing little flexibility in harmonizing capacity-building assistance across donors. As a result, technical assistance and capacity building remain dominated by expatriates. This makes them expensive relative to indigenous experts and detrimental to the building of sustainable indigenous capacity.

Further exacerbating these problems are common donor practices such as payment of top-ups to host-country government employees, practices not coordinated among donors or even with government departments, and the establishment of a highly paid parallel civil service of expatriate consultants.

Often, multiple providers of technical expertise and capacity-building services, funded by different donors, compete with one another in the host country departments. This makes the task of coherent management of human resources difficult if not impossible for local government officials.

Recommended Solutions

If the international donor community is to avoid repeating the mistakes of the past, wasting increasingly scarce aid resources, and risking failure of its efforts at post-conflict stabilization, the community should draw the following lessons from recent experience. Disciplined commitment to continued application of these lessons is essential regardless of short-term expediency.

Coordination Between Donors and Government: It is critical at the outset of an intervention for donors to establish and empower an apex committee of key institutions from among host-country government departments and offices and various donor agencies. Specific officials and offices should be identified within the host government and in each donor agency. If the local government lacks the knowledge and skills to participate meaningfully in such coordinated planning, donors should provide the requisite technical assistance to build that capacity.

Donors: Donors should provide more predictable and multi-year funding to enable the governments and donor agencies to plan capacity building coherently. Year-to-year changes make it impossible to carry out the long-term planning necessary to develop long-term capacity. Donors should also provide timely transparent and comprehensive information about their own planning processes and policies in a form that will enable the host-country government to plan its own activities. Too often, donors consider their own processes to be nobody’s business but their own. This attitude is detrimental to the interests of all concerned.

To transition to local control, donors should also increasingly use indigenous implementation partners and equally qualified locals rather than expatriates.

The guiding objective of all efforts should be to make technical assistance and assistance for capacity building part of the core government budget as soon as possible rather than allow it to remain uncoordinated in various donor budgets. Such loss of control understandably makes donors nervous, particularly in cases of government incapacity or

corruption. These concerns should be addressed and rectified in the planning process rather than through reservation of donor control of budgets.

Government: Governments of countries affected by violent conflict should seek to establish a fiscally sustainable and transparent public administration that nurtures capacity building, among other things. Their role should be less that of passive recipients of aid and more of active initiators of requests to donors, and designers of technical assistance and capacity building. The constituent parts of these governments should be subordinated to central coordination and priority setting. Only then can there be strategic planning for the use of finite resources for these purposes.

Systematic planning processes for capacity building should be established (and should be demanded by donors at the outset) both government-wide, and in particular ministries and institutions.

Capacity-building and technical assistance should be explicitly addressed as distinct items in ministry-level and government-wide processes of budgeting and program planning. A central government authority should be designated to provide guidance on the preparation of budget input by ministries, and such guidance should specify dedicated attention to capacity building.

No coherent system for improving matters is possible without a baseline. Early systematic assessment of workforce requirements and existing human resources should be carried out as a baseline for future planning. This should be followed by the establishment, development, and strengthening or empowerment of a civil service commission or similar body to develop a system of merit based appointments, vetting procedures, and performance-based reviews.

General Principles: To build long-term capacity for public administration, systematic and sustained planning and programming processes are essential. Continuity of personnel responsible for these tasks is essential.

Among the preconditions for a sustained process of planning and implementation is systematic monitoring and evaluation of all technical assistance and long-term capacity-building measures, using the criteria identified here and applying the lessons learned. This monitoring and evaluation presupposes the development and adoption of, and frequent reference to, measurable outputs and milestones by which to gauge progress. These must be agreed in detail and in advance by donors and host-country governments.

Systematic planning depends on systematic assessment of the public administration capacities available locally. This should include assessment of the local capability to design and conduct training, as it is presumptively more effective to have persons familiar with local conditions and constraints doing the training. Systematic and realistic assessment must be made of the capabilities of local trainees to absorb expertise, and of the capacities of beneficiary institutions to receive and benefit from technical assistance. Modest expectations should guide planning.

In the design and implementation of capacity-building plans and programs, all concerned should pay attention to sub-national capacity. However successful national capacity-

building efforts prove to be, failure to bring along sub-national government units will constitute a serious weakness of a government struggling to establish its legitimacy and sustainable capacity.

The fundamental principle that should guide donor capacity-building efforts is that host-country governments must assume leadership. They must set their own development priorities and strategies. It is tempting, but highly risky, for donors to substitute themselves here. Whatever the capacity limitations of governments affected by conflict, these governments remain the sole formal embodiment of their countries' sovereignty. It is preferable, in all cases, to allow them to learn from failure while some donors remain in country than to have the host governments run the risk of failure to build capacity sustainable beyond the period after donors depart from the scene.

Conclusion

Critical and urgent day-to-day demands will always threaten to distract attention from long-term planning to the short-term exigencies. Development of sustainable capacity depends on disciplined commitment to a long-term agenda, development of institutional arrangements and procedures to ensure attention to that agenda, and constant reference to the checklist of lessons learned.

Chapter 18
Strategy Framework for the Assessment and Treatment of Fragile States[1]

By Clifford Zinnes, IRIS, University of Maryland

Instability and violence inherent in a number of developing countries threaten our national security and undermine political and economic development efforts in the former. The U.S. National Security Strategy recognizes these links by making development, diplomacy, and defense the three pillars of U.S. national security. Yet donor efforts over the years to address states that are failing, in failure, or recovering from failure—all degrees of what can be called fragile states—have not been encouraging. Doing better requires a fundamental shift in the way development assistance is implemented.

Below we summarize a methodology developed by a team of multidisciplinary experts from around the United States in support of efforts by the U.S. Agency for International Development to develop an intellectual basis of its strategy to treat fragile states.[2] The methodology describes a new approach to program design—though not necessarily to technical assistance, which remains the same in many ways. The approach suggested here differs from current practice in that the former is intrinsically institutional and holistic, and more socio-political than economic. It stresses group behavioral dynamics. We end this paper with recommendations and questions to development practitioners in the field.

An Assessment Framework

Before taking any initiative, it is imperative to have a consistent baseline of what is happening to society on the ground. This requires an assessment framework. The approach proposed below is based on three key insights. First, the fundamental source of state resiliency or fragility is the quality of its underlying institutions. These institutions make up the political, economic, social, and security elements or dimensions of state capacity. Each type of fragility can be characterized by the behavior and quality of state's institutions along these dimensions.

Second, the quality of this capacity depends on the legitimacy and effectiveness of each element. State effectiveness refers to the degree to which a state has the administrative capability to carry out tasks of public service provision and governance—e.g., balancing the budget, training judges, or upgrading telecoms. Ruthless dictatorships and open democracies can be effective or ineffective. This characteristic is a matter of getting tasks done, not how a government is chosen or what its policies may be.

State legitimacy refers to the perceptions of various groups in a society where the state is acting or not acting with encompassing interest. Perceptions of justice or injustice are powerful factors in affecting state stability or collapse. Ethnic groups can co-exist peacefully as long as they are confident they are being fairly treated by the government; systematic discrimination generally triggers opposition and rebellion. Legitimacy derives from how a regime acts in power, as well as how that regime was chosen or came to power.[3] Dictators who have seized power in anti-democratic coups can gain legitimacy if they act to stabilize living standards, limit or share corruption, and treat all sub-groups equally well. Merely having elections is no guarantee of legitimacy if the winner then excludes the interests of minority groups through its action. While effectiveness and legitimacy are ultimately related, development assistance providers have been preoccupied with state effectiveness. They have shied away from addressing state legitimacy,

and their reluctance has been one of the main reasons for their lack of success in permanently shoring up fragile governments.

Given that the state is an organic system, the third insight is that strengthening the elements of state capacity independently of one another will have limited and possibly unsustainable effect. Changes should be made across the dimensions of state capacity in order to strengthen the constitutional order, the principal instrument for making collective decisions and resolving conflicts (which are inevitable in society) in ways that forestall violence.[4] State failure is almost always associated with violence, which has been found to have three causes.[5] When members of a group perceive that the constitutional order is failing or worse, their security is at stake, they might engage in a host of actions to protect themselves; protection of the group can lead to violence. The larger the stakes, the greater the incentives for a group of similarly positioned potential beneficiaries to form a coalition to achieve their ambitions; promotion of the group's agenda can lead to violence. When moral outrage—a product of injury or humiliation—cannot be institutionally channeled and given satisfaction (e.g., via criminal prosecution or truth and reconciliation commissions), it can fuel powerful outbursts of violence. The key idea here is that the propensity for violence must be attenuated by regularizing, internalizing, and proceduralizing the management of the conflict that is inevitable in any society. This process is reinforced by the creation of neutral ground, a relatively impartial terrain—which can include the courts, parliament, and the like—upon which different groups promote and protect the interests of their members.

These insights provide the basis of our assessment framework, four empirical diagnostic steps that facilitate understanding of fragile states and the vagaries of the institutions of the resulting constitutional order.

Step 1: Identify the applicable syndrome. First, determine whether the country is failing, failed, or recovering. Then identify the relevant fragility syndromes—systemic ailments, analogous to the case of medicine—afflicting the country and driving its dysfunctional behavior. Each syndrome reflects a particular dynamic scenario of dysfunctional state behavior leading toward or having precipitated failure. A complete typology of 11 syndromes is given in Table 1 and Table 2 below.[6]

Table 1: Failing State Syndromes

Syndrome	Countries
Escalation of communal group (ethnic or religious) conflicts**	Rwanda, Liberia, Ivory Coast, Sudan, Yugoslavia, Lebanon
State predation (corrupt or crony corralling of resources at the expense of other groups)	Nicaragua, Philippines (1996), Iran (1979), Haiti (Duvalier)
Regional or guerilla rebellion*	Colombia, Vietnam, Indonesia, Georgia, Chechnya
Democratic collapse (into civil war or *coup d'état*)	Nigeria, Pakistan, Haiti (Aristide), Bolivia, Madagascar
Succession or reform crisis in authoritarian states	Indonesia (Suharto), Iran (under Shah) Nepal, Pakistan (1971), Soviet Union (1991)
Humanitarian and refugee disasters	Ethiopia, Mozambique, HIV affected Sub-Saharan Africa

Table 2: Recovery Syndromes

Syndrome	Representative Countries
External Intervention War ended by external intervention. Occupying authority either still in charge or recently handed over power.	East Timor, Bosnia, Lebanon, Cambodia, Liberia
Negotiated Settlement Main antagonists reached negotiated settlement and have laid down their arms.	Nicaragua, El Salvador, Ethiopia and Eritrea
Clear Winner One party to conflict emerged as decisive winner.	Uganda (in civil war), Mozambique, Angola, Peru
Rebels Contained by the Government Government remains largely in control. Rebel activity continues. No evident prospect of an end to violence.	Colombia, Algeria, Indonesia (in Aceh), Uganda (in the north)
Ongoing State Failure State remains mired in failure. Prospects of resolution in near future dim or extremely uncertain. Violence most likely to be intermittent.	Somalia, Sudan, Democratic Republic of Congo

Step 2: Customize the selected syndromes. For the country under analysis, specify the relevant players, their beliefs, payoffs strategies, and modes of interaction (see template in Table 3 below).

Table 3: Analytic Narrative Template

*Players**	*Beliefs*	*Strategies*	*Stakes***
Oligarchy			
Military			
Juntas and civilian governments			
Rebel groups			
Multilateral organizations			
U.S.			
Etc.			

*The list of players is only suggestive and will vary depending on country application.
**In game theory, this is referred to as the payoff.

Step 3: Characterize the dimensions of state capacity. Disaggregate state capacity into its political, economic, social, and security ("PESS") elements and contextually assess the degree of effectiveness and legitimacy ("EL") of these dimensions, including what their impact is together on neutral ground and on the peaceful management of conflict, and therefore the propensity for violence (see Table 4).

Table 4: PESS-EL Matrix for State Assessment

	Effectiveness	*Legitimacy*
Political		
Economic		
Social		
Security		

Step 4: Construct the analytic narrative. Refine the customized syndromes through detailed analytic narratives—non-mathematical, refutable, game-theoretic stories—that impose consistency between the syndromes and the analysis of the PESS dimensions.[7]

The framework above helps to identify when a state is in danger of failing. Typically, states appear on lists of states at risk because one or more of the warning signs listed in Table 5 below suddenly become strikingly visible, particularly if accompanied by signs of increasing violence.

However, the sudden appearance of one or two such signs does not conclusively show whether a state is failing or not. That determination depends on an analytic match between broad measures of state legitimacy and indicators of state effectiveness. A good framework makes it possible for an analyst to go beyond responses to individual signals or symptoms of state fragility, and to holistically monitor, analyze, and respond to the factors that underlie threats to social order.

Table 5: List of Warning Signs That a State Might Be Failing

Political	
Effectiveness	Elections that are violent, whose results are contested, or judged to be improper and unfair by international observers; attempted *coup d'état*;[3] or more presidents or prime ministers in one year; government revenue 10 percent or less of GDP; government loses effective control of at least 5 percent of its territory or at least 1 percent of its population.
Legitimacy	One or more major groups are systematically excluded from political access, or political office, or full citizenship; political protests or strikes involving at least 0.5 percent of the population and repeated on 10 or more days.
Economic	
Effectiveness	Country is low- or mid-income by World Bank classification, and one or more of the following obtains: GDP/capita has fallen three or more years, or is lower than five years ago; national debt is over 10 percent of GDP; inflation has accelerated three or more years and is 30 percent or more per year; currency has been devalued 50 percent or more in the last three years; unemployment has exceeded 20 percent three or more years.
Legitimacy	One group (elite faction, ethnic group or subgroup, or family or cronies of state leaders) is corruptly dominating the economy for its private benefit; one or more groups face extensive and systematic economic discrimination; state is taking 45 percent or more of GDP.
Social	
Effectiveness	Primary school enrollment is less than 60 percent and growing less than 5 percent per year; government fails to act to alleviate consequences of natural or accident disasters.
Legitimacy	Specific regions or groups of population are deliberately not provided public services given to others; specific groups are prevented from practicing their important customs or language; government seen as too dependent on foreign support or otherwise betraying or departing from nationalist aspirations.
Security	
Effectiveness	More than 1,000 people killed in political violence in prior three years; more than 1 percent of population displaced by political violence in prior three years.
Legitimacy	One or more groups systematically subjected to violence or deliberately not provided security by the state.

We consider a state to have failed or to be on its way to failing if it shows any of several patterns of extensive and severe distress or dislocation listed below in Table 6. Yet merely showing these signs does not indicate what must be done to revive the state; that, too, depends on a causal analysis of how legitimacy and effectiveness can be restored.

Finally, a recovering state can be considered any state that was considered to have failed at some point within the past five years, but whose indicators are now improving.

Table 6: List of Signs That a State Is in Failure

Political	
Effectiveness	Political process has broken down for all intents and purposes; attempted *coups d'état* occur; national statistics are no longer being collected or are meaningful; government loses effective control of at least 30 percent of its territory or at least 30 percent of its population.
Legitimacy	One or more substantial groups are systematically excluded from political access, or political office, or full citizenship; political protests or strikes involving at least 1 percent of the population are common and escalating in size and frequency (though these might not occur in the extreme case where there is no state and an uneasy equilibrium exists among competing armed factions).
Economic	
Effectiveness	Country is low- or mid-income by World Bank classification, and one or more of the following obtains: GDP/capita is less than 50 percent of previous high; government ministries have lost control of their sectors; tax collection broken down; local currency no longer desired and barter or dollarization is ubiquitous; unemployment exceeds 50 percent; donors are principal source of government revenue.
Legitimacy	One group (elite faction, ethnic group or subgroup, or family or cronies of state leaders) is corruptly dominating the economy for its own benefit; one or more substantial groups face extensive and systematic economic discrimination.
Social	
Effectiveness	Primary school enrollment is less than 60 percent and falling; health system is close to collapse; government unable to act to alleviate consequences of natural or accident disasters.
Legitimacy	Most population groups have only minimal public services and these are likely provided as a "club" good by individual groups themselves without government oversight; an exception may be a small group in a limited geographic area (capital city); specific groups are prevented from practicing their important customs or language; donors on brink or have stopped supporting the government.

Security

Effectiveness	Ruling regime has been overturned and replaced by mass or elite action outside of constitutional or agreed-upon means, and order has yet to be restored; or ruling regime has lost control of 30 percent or more of its territory or population to armed opposition forces; or civil or guerrilla war is ongoing with fatalities exceeding 1 percent of the population, or the persons displaced by conflict exceed 5 percent of the population.
Legitimacy	State (or states) seen as a main threat to, rather than guarantor of, security. One or more groups systematically subjected to violence or deliberately not provided security by the state. Often, private militias are formed, in part to protect own group.

Recovery from any set of syndromes requires restoring—or sometimes creating—the constitutional order, as well as increasing the legitimacy and effectiveness of the dimensions of state capacity. For a failing state, this could simply require rebuilding the legitimacy and effectiveness of the institutions along the PESS dimensions. For a failed state, this might necessitate first developing the institutions of neutral ground that are required to establish legitimacy and only then working on the effectiveness and legitimacy of the PESS institutions.

Conclusions, Recommendations, and Outstanding Questions

The conclusions and recommendations below have been derived from an application of the framework presented above.

Conclusions

- Practitioners must recognize that failed and fragile states come in many syndromes. Culture matters. Donors must recognize that a one-size-policy response does not fit all.
- The fundamental source of any state's resilience or fragility is the quality of its underlying institutions and is made up of four elements or dimensions: political, economic, social, and security. Each has its own characteristics.
- The capacity of these elements and the allocation of responsibilities for them between the local and central governments are critical concerns in state building. The strengthening of local and central governments may require a sequential approach. It is possible to consolidate a weak central government whose action is circumscribed by stronger subnational governments as the latter cede powers to the center once trust and centralized efficiencies are achieved.
- Societies are organic systems. Changing any component will provoke responses in the other components. This suggests that piecemeal responses will fail.
- Do no harm must be the fundamental precept of interventions. This is not a low bar. Outsiders lack knowledge of local socio-political relationships. Huge inflows of foreign exchange can exacerbate corruption. Donor demand for skilled local personnel could distort local labor markets and might crowd out supply that might otherwise be channeled to the local public and private sectors.

- Before taking any initiative, it is imperative to have a consistent baseline of what is happening. The framework proposed above offers a starting point.

Recommendations

- Practitioners wishing to influence the outcome of strategically difficult situations (a "game") must accept that they generally are outsiders acting without complete information. They must focus on process, which can be agreed upon in the initial phase of an intervention, rather than end states, over which they may have little control. Donors are typically uncomfortable with this lack of control, however.
- A central conclusion of the framework above is that basic security is the critical precursor of any effort to reverse a failing or failed state. But few if any donors have much expertise in the provision of civilian police force services or training of existing forces. Donors must develop that capacity or risk failure.
- Over the medium term, a post-conflict regime has high potential to fail again. Trust could be hard to establish between the signatories of a truce, especially if one of the parties attempts to press its agenda too hard. A particularly delicate point occurs when the first major post-conflict elections are held, typically four to six years after hostilities have ended. This suggests an important role that donors can play: one of ensuring that their commitment over time will be consistent with the needs of the country affected by conflict. A post-conflict regime's success requires that the relevant players believe its efforts will succeed. When they do, it generally succeeds; when they do not, failure becomes a self-fulfilling prophesy. Donor commitment to the needs of the new regime through several elections supports the legitimacy of the new order and serves to adjust mutual expectations toward success.
- Donors should look beyond the mere design of a portfolio of measures. Each proposed intervention should be tested for stakeholder acceptability. Pilot programs can help, as well as survey and experimental gaming tools developed for this purpose.[8] To lead the way, donors must also be a source of innovation. This requires that they learn from their interventions. Just as testing is important, so, too, is evaluation—and, ideally, during implementation. Although there is scope for quantitative measurement (e.g., number of trained judges, reduction in fatalities due to factional violence), qualitative tools similar to the ones mentioned above are appropriate as well.
- Owing to its enormous demands ranging from humanitarian emergencies to infrastructure repair, the post-conflict situation and the temporary nature of external intervention conspire to favor short- rather than long-term thinking. This is dangerous, for it increases the likelihood that failure will reoccur.
- Although most state failure is accompanied by violent conflict, this is not always so. Examples include the developments in most of the republics of the former Soviet Union, all of Eastern Europe—and more recently Georgia, Madagascar, and Haiti. The framework above explains—even predicts—these two different paths by its description of the nature of the constitutional order and its legitimacy and, to a lesser degree, of the level of economic conditions, which relates to the degree of state effectiveness.

- When donors are keen to provide aid, particularly on a broad basis, they have little bargaining power. That is why conditionality often fails. How much commitment from a country can one expect?
- The conventional wisdom—aid to well-run states works, aid to poorly run states does not—rests on a fragile foundation. The Millennium Challenge Account might be built on a false premise. The effect of relative size and scope must be taken account of. Ten million dollars spent in establishing a power-sharing arrangement in a small state like Liberia doubtless does more good than spending the same amount for that purpose in Egypt.
- Donors need to do strategic triage; i.e., to strike the right balance between the best and the good. They must distinguish between what needs to be done in a situation (if everything necessary could be done) and the opportunities in it for effective intervention (not necessarily what is most needed, but what is possible). A good program must be flexible to take advantage of opportunities as they arise.
- A balance must be struck between building institutions—both their effectiveness and their legitimacy—and developing minds.

Remaining Questions

The framework described above raises a number of issues that require further examination:

What is the right balance between central vs. local assistance? Fragile states and especially failed states are open to challenges not faced by more robust states; e.g., secession, accession, and agglomeration. In such environments, federal solutions should be of particular interest. Donors can assist sub-national governmental units ("mini-states") to exist while maintaining *de minimis* central governments and after a time allow the former to opt into a federal system according to a pre-agreed process. Major donors tend to favor centralization, however. They are set up to channel funds through central governments, and it is easier for them to deal with them. The danger here is that this process can weaken the legitimacy of provincial and local governments. It is not clear that this approach is good for failed and fragile states. Inter-jurisdictional competition can create a race to the top as a way to strengthen sub-national governmental units.[9]

More generally, when is it better not to support a regime? When is it better to deal with the sovereign—and when not? Do we need to wait for chaos or to precipitate a crisis? When should international donors intervene? Military or financial aid to an unjust regime might help to keep up its effectiveness and prolong it in power, but it could also undermine its legitimacy and thus do nothing to ameliorate the situation in the failed or failing state. Providing education or medical help to a country's population through nongovernmental organizations that circumvent a government could help the local populace, but such aid could also undercut perceptions of the effectiveness or justice of the government, thereby increasing the risks of state collapse.

When is the cure worse than the disease? Creating a flow of free resources (through oil or other large capital investment projects or flows of external aid) could simply provide an opportunity for corruption or for conflict among elite factions over access to or exclusion from those resources. Such a resource flow can undermine an equilibrium based on prior perceptions of state fairness and effectiveness. External intervention is most likely to avert collapse when regimes retain medium or high legitimacy, but have low effectiveness. If likely success is the

criterion for intervention, the highest priority should be assisting such regimes. In such cases, aiding the government in the delivery of services, or in the provision of economic or physical security, is likely to help restore stability to the nation. The use of third-party military forces to provide security to the parties to a conflict might be necessary to create a climate of effective governance in which the parties can work toward an agreement to restore institutions considered effective and legitimate.

Is donor reorganization part of the solution? Foreign government donor agencies are organizations with a multiplicity of objectives (mostly domestic) that use development assistance as a foreign policy tool to fulfill them. Should these agencies transform themselves into advocates for economic development, which is probably the more appropriate orientation for dealing with the tasks associated with strengthening the constitutional order? If that were the case, such donor agencies could begin to voice their opinions on the pernicious effects on the assisted countries of other donor policies of their own governments (e.g., agricultural subsidies).

More generally, given the PESS dimensions of fragility, can we expect a single donor agency to embody all the requisite skills and experience to deal with the complexity of the problem? The United States has an interagency framework within which it considers aid, among other issues. Should there be a United Nations agency through which national governments could focus their efforts? Should country-specific development funds be established, funded by donor countries, and keyed to a single mutually agreed development plan administered by professionals practicing international competitive procurement?[10]

Donors should allocate a greater share of their resources to experimentation. The current institutional arrangements within donor states do not support such initiatives. There are powerful incentives related to shareholder accountability to be conservative. There is a tension between ensuring donor control and generating recipient ownership. Given the institutional obstacles within donor agencies, can we restructure donor incentives?

Given that failed states need immediate and often humanitarian support, donors are understandably preoccupied with the short run. However, parallel efforts to address the longer perspective are also required. Such efforts need to focus on processes as well as outputs or outcomes. Unfortunately, donors are project-oriented, and putting into place the processes in which the final outcomes are not set in advance is not a modus operandi with which the donors are familiar or comfortable.

Analytic responses. This paper posited the need for analysis to precede the planning of successful interventions. Practitioners need to develop well-articulated analytic narratives to give greater meaning to the typologies mentioned in this paper. With these at hand, donors can then dispatch teams of experts to countries emerging from conflict to quickly tailor the relevant fragility syndrome to the specific institutional and economic conditions of the countries concerned. Using these analytic inputs, the donor community can then assess the appropriateness of pilot testing and evaluation.

Experimentation is necessary and so is evaluation. Without it, experimentation is risky. However, the incentive to experiment is greatly diminished if the chances of success are uncertain. With rigorous evaluation, ambiguous outcomes or even outright failure of initiatives are of much value because they presumably had been based on the best analysis and expert

opinion available at the time of program design. Rigorous evaluation requires that planning for it be built into and guide intervention designs and that anticipated outcomes be quantitatively established.[11]

While practitioners should heed the call to make better use of the analytical tools available, they should adopt great humility—our ignorance is vast regarding ways to effect stabilization and economic growth in conflict-affected societies. This might make it easier for them to focus their efforts on groups that are prepared to agree on legitimate and feasible processes of change rather than to fixate on the unlikely contingent ends of change, themselves.

Chapter 19
Policies to Reduce Lawlessness and Corruption

By Dr. Keith Crane, The RAND Corporation, and Joseph P. Gregoire, PKSOI

This paper describes how reduction in corruption, violence, and lawlessness can promote stabilization and economic growth in conflict-affected countries. We hope the paper will raise awareness of readers to the need to:

- Identify major impediments to stability due to lawlessness and corruption;
- Lay out potential policies for dealing with these problems; and
- Discuss the likely effectiveness of these policies.

The way this is done largely determines whether practitioners will stabilize security and reactivate economic growth in such countries.

Much of what is below was drawn from two RAND publications: "The Beginner's Guide to Nation-Building"[1] and the "Guidebook for Supporting Economic Development in Stability Operations"[2]. The Guide synthesizes the findings of two-dozen case studies of post-conflict nation-building operations, lessons that practitioners should internalize. The Guidebook, whose dedicated audience should be practitioners, reflects current doctrine; interviews with officers, enlisted personnel, and civilians engaged in Afghanistan, Iraq, and the Balkans; reports from the Center for Army Lessons Learned; economic and political theory and analysis; and the experience of RAND's team of experts in stability operations.

Is there a compelling reason for civil and military personnel engaged in stability operations to be concerned about post-conflict economies? There is, and the reason is simple: conflicts make people poor. In such environments, economic activity drops to subsistence levels often rather quickly. Violence catalyzes the development of criminal networks and activities such as kidnapping, extortion, robbery, and trafficking in drugs and human beings. The climate of lawlessness and violence nurtures various forms of corruption, whether nepotism, feather-bedding, and the inclusion on payrolls of fictitious or ghost employees; contracting fraud; policy favoritism; and petty corruption.

The economies of countries emerging from violent conflict always differ from peace-time developed economies. While the economies of conflict-affected countries always reflect the unique make-up of their respective societies, such countries all share a characteristic: few people hold jobs yielding regular paychecks. They are self-employed or work as day laborers. Their inhabitants are overwhelmingly employed in agriculture, trade, transport, and government, the dominant sectors in these countries. Because of insecurity, crime, corruption, and other illicit pursuits are often prevalent. Criminality and corruption become the endemic twin plagues of post-conflict societies.

The solutions to both can be summed up in a word, if not a mantra: security, security, security. In the stabilization phase of stability operations, criminality and corruption can be checked through police accountability, functioning courts, and culturally-sensitive sanctions. Police accountability can be promoted by vetting new recruits, embedding foreign advisors within police units, paying competitive salaries, removing corrupt or incompetent police personnel on the basis of fair and transparent procedures, training

recruits and mid-level personnel, and engaging in constabulary or community policing. The courts will function effectively if they reflect the laws and mores embedded in the fabric of the local society, if the procedures to adjudicate disputes are streamlined, and if procedures to dismiss corrupt judges quickly and fairly can be implemented. Culturally sensitive alternatives to imprisonment, such as socially sanctioned restitution of illicit gains, as well as prisons that are clean and whose staff are not abusive, help reduce criminality and thus improve security, without which neither stabilization nor economic growth will take hold in post-conflict countries.

In such countries, the illegal financing, production, and distribution of substances such as drugs often pose major impediments to reactivation of economic activity. Curtailing the cultivation of coca, poppies, or cannabis in countries affected by conflict is difficult. In the originating countries, cultivation easily shifts locales but rarely disappears in response to efforts to eradicate these crops. Crop substitution can help, but its effectiveness is sometimes oversold. While interdicting the distribution of narcotics by targeting high-level dealers antagonizes the producing countries' populace much less than simply eradicating the crops of poor cultivators, the effectiveness of interdiction programs in the conflict-affected countries has not been remarkable because the efforts to reduce the demand for narcotics in the foreign consumer countries, including the United States, have had mixed success. Conversely, while the dismissal from positions of power or the side-lining of key people aiding or abetting the trade in conflict-affected countries might appear to be a mild measure, it is often more effective than prosecutions because of the deficiencies in their legal systems and because of the extensive socio-economic network of interdependencies.

Reducing corruption in the civil service will facilitate stabilization and economic growth in conflict-affected countries. Keeping the civil service small is the way to do this: idle hands have time for mischief. Government corruption can be curbed by ensuring that the civil service is made up of the right number of people based on the best practices of countries that have made the transition from post-conflict to stability, by creating a civil service roster of the persons actually employed in the public sector, and by disbursing public sector salaries and other payments through electronic payments systems to avoid payments to ghost employees and payroll skimming. With the advent of cell phone and other modern communications technologies, these systems are much easier to set up than in the past.

Devolving responsibility and enforcing accountability also helps. Devolution of responsibility helps to make it possible for officials at lower levels to gain management experience through project activity and to affect policies at higher levels. While the officials and other employees at all levels who perform well should be eligible for promotion, those who are corrupt or incompetent should be dismissed rapidly on the basis of transparent procedures that enforce accountability at all levels.

Evidence shows that stabilization and economic growth are influenced by the contracting and procurement practices in post-conflict countries. The officials responsible for such activities should follow World Bank guidelines for large and small contracts—or should establish similar procedures. The authorities should include the costs of public sector projects in the national budget, as well as publicly announce all tenders through the print

media and the Internet. Committees of citizens free of conflicts of interest or the appearance thereof should review the bids. The committees should publicly reveal all bids and announce contract awards. Last, the authorities should entrust the conduct of performance audits to experienced, impartial third parties to determine whether payments to contractors are justified.

Another activity that significantly influences stabilization and economic growth is the management of natural resources in countries affected by conflict. Natural resources, such as oil and diamonds, are sources of funds that the local powers fight hard to control. To prevent deadly competition, the legitimate authorities in these countries must see to it that securing the resource transport routes are a high priority, that resource sales contracts are publicly accessible, that the proceeds from the resources are deposited in specially designated audited accounts, and that the expenditures from these accounts are publicized widely so citizens know how they were reportedly spent.

In conclusion, key precepts include:

- The economy cannot thrive without security.
- The perfect can be the enemy of the good.
- Accountability is critical.
- Position is power, so termination is a more powerful instrument than prosecution.
- Simplicity is essential, since conflict-affected countries often lack qualified personnel to run complex systems, and corruption thrives on complicated systems.
- Transparency is a great disinfectant.

Were these precepts regularly invoked and acted upon, stabilization and economic growth in conflict-affected countries could more easily be ensured.

Chapter 20
Capture of the Informal Sector: Evidence from Bangui

By Arthur S. Westneat, Booz Allen Hamilton

Introduction

As I get older, my life seems to revolve around axioms or proverbs, such as "Early to bed, early to rise." In Africa, proverbs are part of the rich cultural context. One of my favorites is: "Don't spit straight up in the air while lying on your back."

I introduce our topic with a proverb that has political economic overtones: "Never say 'no' to the person who feeds you." It speaks to the importance of access to a diverse food supply and, in the case of Bangui, of communal tensions resulting from the dominance of a single market.

I also want to emphasize the obvious—the importance of conducting detailed pre-conflict studies to identify tensions in a society. With such knowledge, stability operations could serve to deter more violent conflict later.

Bangui is a major trading city on an international trading corridor extending through the heart of Africa from Sudan and Middle Eastern markets, via Chad, to the Republic of Congo, Gabon, Cameroon, and to the Atlantic Ocean. The CAR is in the center of a rough neighborhood. To the north is Chad. The northern populations of the CAR are related to Chadians, and arms and violence from Chad's civil wars flow freely into the region. To the south is the Democratic Republic of Congo, separated by the Ubangi River. The people of both sides of the river are related and the problems of Congo flow across to the CAR. To the northeast is Sudan, and Darfur refugees find their way into CAR.

The CAR has its own internal divisions, characterized simply as north versus south, and was the focus of a successful U.N. peacekeeping operation: the United Nations Mission in the Central African Republic (MINURCA) 1997-2000. It was successful in the sense that the peacekeeping mission achieved its objectives and the peacekeepers were able to leave in a timely fashion. After MINURCA left, events in the CAR were instructive of the complexities of peace maintenance in this part of Africa.

The illegal and the illicit layers of the Bangui markets were parts of the informal sector and included a wide set of activities beyond the marketing of contraband products. The Bangui Market Study[1] (BMS) found that illegality then cut a wide swath across market activities: cross-border transport, road-side bribes, sabotage, rent-seeking, petty thievery, avoidance of taxes, etc.

The Bangui Market Study

Funded by USAID and implemented by Africare in collaboration with the U.S. Department of State, the BMS had a broad mandate. Besides addressing issues of the food-crop marketing in the capital city, it permitted the conduct of peri-urban studies of the agriculture sector around Bangui linked to a full-scale agricultural sector study of the Bossangoa region some four hours by road northwest.

Short, quick turnaround studies covered a variety of topics, which included a literature review; a consumer survey; two price and quantity market surveys (ten months apart); a study of credit services, attitudes of market vendors, urban transport, and municipal market services; a study of wholesalers; and one addressing questions of weights and measures. The BMS also looked at pricing and tax policy issues affecting the food-crop market, cross-river trade, and control of entry points to the city.

The work was conducted by three economists (Westneat, Boyer, Lentz), assisted by five survey workers. Additional survey workers were employed for the peri-urban agricultural sector study. The BMS would not have been possible without the full cooperation of the Bangui municipal government, which, through an advisory board, guided the work of the BMS in the markets. The municipal government hoped to attract internationally funded services to the commercial sector.

The BMS is a pre-conflict study conducted in the 1989-1990 period. The importance of this kind of study is its ability to identify areas of socio-political-economic tension before violence erupts. When sensitive to these tensions, stability operations can be used to mitigate them in a pre-conflict environment to promote U.S. interests in ongoing dynamic, sustainable development.

The Bangui Markets

The term "Bangui market" is an abstraction that has a geographical connotation and encompasses all aggregate exchange activities within the markets surveyed. The plural term "Bangui markets," on the other hand, is more specific and reflects the multiple marketing venues that actually exist. The primary markets in Bangui are those regulated by the municipal government.

How many markets were there in Bangui at the time of our study? Determining this was not as easy as it might seem at first. The Bangui mayor’s office collected taxes from 22 primary markets in Bangui, while the office of the mayor of Bimbo (a contiguous municipality) collected from four additional primary markets. Twenty-six markets is the quick answer to the question above.

Bangui's Primary Food Markets	
Central	Boy Rabe
Ouango	Foûh
Kassaï	Gobongo
Lakouanga	Ngbenguéwé
Sica 1	Miskine
Sica 2	Moustapha
Maison d'Etat	Pétévo
Combattants	Yapélé
Kokoro	Abattoir
Mamadou M'Baïki	Sambo
Ngbaka	Ngaragba
Bimbo's Primary Food Markets	
Bimbo	Bégoua (PK12)
Mpoko Bac	Boeing
Source: BMS	

The number of official markets is not the entire story. There were 11 new or semi-permanent markets—four supermarkets and seven river-port markets, one of which was a primary market—and two more were recently defined. Plus, there were three important specialty markets, numerous spontaneous markets, and countless door-to-door peddlers and home-based sellers. To complicate matters, different groups of sellers used the same market place at different times during the same day, adding to the potential number of identifiable markets.

Another problem enumerating the number of markets in Bangui was the fact that five of them (Kokoro, Mamadou M'Baïki, Sambo, Ngawi, and Soudanais) were commonly identified collectively as one single marketplace called Kilomètre Cinq (KM 5), named for its location five kilometers from downtown Bangui. The five markets were roughly contiguous and formed the largest shopping area in Bangui.

New, Recently Defined, and Semi-Permanent Markets

New

BAMAG, Dias Frères, PTT Kpéténé II

Kpéténé	Magalé
St. Jacques	Sinistré
Tekpa	Yassimandji

Recently defined:

Langbassi
Sans Cas

Semi-permanent

Centre-Ville

Key River Ports

Port Ouango	Port Maison d'Etat
Port Ngaragba	Port CNPAF
Port Beach	Port Mandja Otto
Port Petrolière	Port Central
Port Amont	

Source: BMS

Defining the Informal Sector

The definition of the informal sector is a perennial issue. For the BMS, we used the definition of the International Labor Organization of the United Nations. In addition, we adopted the simpler definition of the local *Direction des Statistiques et des Etudes Economiques (DSEE)* of the *Ministère des Finances* where informality was defined as lack of a formal accounting system.

Typically, many products are part of the informal sector. The Bangui informal sector was dominated by retail products as shown below.

The Informal Sector

	Businesses	Percentage
Retail (which includes):	14,544	74.3
Fruits and vegetables		20.5
Condiments		10.4
Misc. manufactures		17.8
Shish kababs		14.5
Cigarettes		4.6
Other		6.5
Coffee shops; hotels; restaurants	3,114	15.9
Industry*	1,166	6.0
Services**; Transport	520	2.7
Wholesale	114	0.6
Agriculture, Livestock	65	0.3
Construction, Public Works	47	0.2
Total (number of firms in sector)	**19,570**	**100.0**

* Woodworkers, tailors, and grinders
** Repairs

Source: DSEE, 1989

Vendor Types

Filling out the picture, the BMS reflected understanding of vendor types—the people—who engaged in market activities and retail food stuffs in Bangui. There were eleven different vendor types.

The Husband-Sponsored Housewife Vendor: This intermittent vendor was typically a housewife who sold goods in the market to achieve domestic objectives. She received a periodic allowance, often monthly, from her husband, to buy agricultural products to sell at a local market.

The Credit-Sponsored Housewife Vendor: A housewife vendor who received a given quantity of an agricultural product on credit—a credit-in-kind—and sold the produce in the market, repaid the lender of the good, and retained the difference.

Apprentice Merchants: They were typically young men and women who associated themselves as retail sellers with larger successful merchants.

Small Wholesalers: These vendors differed from large wholesalers in their financial inability to mount purchasing expeditions to the provinces.

Large Wholesalers: These vendors had capital at their disposal to engage in field-to-consumer commerce. They were entrepreneurs in the true sense of the word. There were relatively few of them.

Barter Traders: These traders were professionals highly knowledgeable about the relative value of commodities. They took manufactured goods to provincial markets that they traded for foodstuffs and local products.

Sometime-Merchant Producers: Farmers who sold directly in the Bangui markets.

Wholesale Producers: Some farmers sold in the markets as small wholesalers. They sold their own produce in large lots to other wholesalers.

Peddlers: Walk-around sellers who carried their produce with them in the market and door to door. They had several key advantages: customer selection, home delivery, flexible price, limited taxes, product diversity, and quick turnaround.

Roadside Merchants: They were vendors who positioned themselves along a main road to sell products, most often food products or other small articles like bread, coffee, and cigarettes.

Home Sales: Sales from home or in front of homes were common in the neighborhoods.

Product Supply

The questions we asked market vendors regarding the places of purchase and of production of food crops essentially tested levels of vendor knowledge. Not surprisingly and to a very high degree, vendors knew where they had bought the foodstuffs they were selling. Of the 12,460 product exposition points surveyed, the place of purchase of 98 percent of the foodstuffs was positively identified. By contrast, when it came to identifying where the produce had been grown or produced, Bangui market vendors were less knowledgeable. Only about 23 percent of the respondents knew where the food crop had been produced.

While a certain, hard-to-define percentage came from abroad, a huge percentage came from the market complex at KM 5 and especially from the single Sambo market. KM 5 was the most important informal sector-trading center in Bangui and, in terms of market penetration the commercial activities centered here dominated the Bangui commercial horizon. Its dynamism far exceeded that of the European-style formal sector, and the upstart Congo commercial network was a mere shadow when compared to it.

KM 5 was an international commercial center. Imported into KM 5 were food and manufactured goods from Cameroon, Chad, Sudan, Nigeria and countries from around the world. Exports from KM 5 went on to markets in Gabon and Congo. While the merchants at KM 5 collectively imported many manufactured goods, they also imported produce that was highly integrated into the Central African diet: onions, peanuts, red pepper, garlic, and to a much lesser degree millet, sorghum, and rice. They imported also vegetable oils produced in neighboring countries that competed directly with Central African factories, and provided the bulk of the raw material going into making Central African peanut oil.

Commercial Credit

Credit drove the Bangui market. However, the vast majority of the informal sector entrepreneurs were not eligible for commercial credit, either because their loan

requirements were too small or they did not have satisfactory collateral. The formal sector banks in Bangui were simply not in the business of financing the individual informal sector entrepreneurs. The risks were too high, the returns too low, and the potential clients not well enough established financially to convince professional bankers of the viability of proposed partnerships. During interviews with vendors, we heard or saw little evidence of formal sector credit among market vendors.

Loan sharks operated in Bangui, as in other big cities, lending money to higher-risk clients at interest rates in the vicinity of 50 percent per month. Tontines—locally organized savings clubs—were very popular in the Bangui markets.

Another way of financing the informal sector was through the management of current cash flow—regular cash payments for labor and other services with no institutional credit or savings involved. Monthly government salaries could finance a civil servant's wholesale purchase of a limited stock for resale in the market. The level of the public sector payroll, therefore, influenced the level of funds available to the municipal markets and was a significant determinant of informal sector activities. Our study showed that reduced cash flows coming from the public sector (n.b.: effects of the World Bank structural adjustment program) coincided with a decline in market sales (number of sellers and product sale points) on the order of 40 percent over the 10-month study period.

Informal Credit: Credit-in-Kind at KM 5

KM 5 commercial operations were financed independently of local commercial banks. It was popularly supposed that the very substantial sums of cash required to finance KM 5 commercial operations were kept at home, entirely outside the formal banking structure. Commercial credit at KM 5 was largely built around a system of credit in kind. Here, marketable produce or manufactures were lent (not money) against a repayment in currency on terms that were negotiated at the outset. Similar credit helped finance the international trade centered at KM5.

Credit in kind was very common in Bangui and provided the liquidity that financed the importation of agricultural products as well as manufactured goods, obviating the need for the otherwise substantial capital resources of a bank. Interpersonal confidence (trust) was a significant resource—a resource much less prevalent in the non-Moslem communities of the Central African Republic.

This informal credit system seemed most prevalent—and successful—among Moslem traders connected with the KM 5 complex. The system was built on the structure of rewards and sanctions prevailing among adherents of the Islamic faith. Reliability in business dealings and trust went hand in hand with integration in the Moslem community, where failure to respect commercial norms could be sanctioned in a variety of ways.

The system was linked to certain other productive enterprises. There was a close association between this informal network and Moslem cattle-raising activities. There was also an indication that marketing of gold and diamonds was a part of the commercial operations that went into making KM 5 the major center it was.

The commercial network that supported KM 5 operations appeared to be an integrated whole, broadly supported by diverse economic activities of a productive nature, well integrated in the style and character of the region. At KM 5, the business leaders were personally integrated in the community. They had made a long-term commitment to commercial activities in the CAR. Their personal objectives included important aspects of lifestyle, religious, and governance that influenced commercial considerations.

Conclusion: Capture From Within

In terms of our capture idiom, the CAR government was relatively successful at taxing and regulating the primary food markets. The merchants of KM 5 had captured the informal sector, not in terms of taxation and regulation, but in terms of product supply and credit services. Bangui was fed, and the markets functioned as a result. By way of contrast, European-based commerce and credit services largely ignored the informal sector and contentedly oriented themselves toward the smaller, more expensive formal sector. The impressive commercial role of KM 5 in the Bangui food markets justifies the conclusion that the Bangui informal sector was captured from within.

The importance of pre-conflict research lies in its ability to inform the skilled analyst of the social, political and economic tensions that can lead to conflict. In the case of the BMS, these included ethnic concentration over key economic instruments (as indicated on the following page), the extended non-payment of government salaries, and declining food crop sales. The BMS and similar studies can inform the geographical combatant commander and soft-power strategists of areas, where appropriate stability operations can assist the host government in their efforts to maintain social and political order.

Reflecting on our introductory proverb, food vendors faced a market of relatively limited options and one largely dominated by the merchants at KM 5. As the ethnic composition table indicates, many of the vendors (49 percent) in the Sambo market were foreigners—Chadians—a tip-off to potential ethnic strife. The boiling point occurred in November 1994 following clashes during which protesters, angry at the killing of three Central African Republic nationals by a Chadian exile, sacked shops owned by Chadians and other Moslems.

Ethnic Composition of Food Crop Vendors
(percentage present in each market)

Market	Yakoma	Baya	Mandja	Ngbaka	Banda	Chadian
Central	5.58	5.86	6.97	5.87	6.54	1.89
Lakouanga	8.84	1.13	1.31	8.27	3.00	1.86
Maison d'Etat	0.92	0.19	0.00	0.80	0.82	0.32
Sica	10.77	0.57	0.44	0.53	0.54	0.00
Sica	25.19	2.46	0.65	0.80	3.81	0.63
Ngbaka	13.46	0.38	0.65	5.87	0.54	0.00
Yapélé	4.04	0.00	0.00	1.60	1.63	0.95
Abattoir	2.21	0.38	0.00	2.40	1.91	0.00
Mamadou M'Baiki	9.42	4.54	0.00	6.40	2.45	3.15
Kokoro	18.85	18.90	2.18	40.53	4.09	17.67
Sambo	2.31	5.29	3.70	0.27	0.27	48.90
Boy Rabe	0.19	13.23	1.74	1.07	2.18	0.00
Foûh	0.00	0.76	10.68	0.53	0.27	0.00
Miskine	2.12	7.75	21.13	0.27	22.34	5.99
Moustapha	1.54	3.59	9.15	1.33	7.63	6.62
Ngbenguéwé	1.54	3.97	2.40	0.27	8.99	5.05
Pétévo	13.27	1.32	3.92	12.80	2.18	3.15
Kassaï	1.97	1.32	0.65	1.87	4.90	1.58
Ouango	3.08	0.00	1.53	1.33	5.99	0.95
Gobongo	0.38	2.84	0.22	0.00	3.81	0.00
Combattants	0.77	11.53	15.03	0.53	12.26	0.00
Ngaragba	0.77	0.00	12.42	0.00	1.09	0.63
Bégoua	0.77	2.08	0.22	0.00	1.91	0.00
Bimbo	0.00	0.00	3.70	0.00	0.00	0.00
Boeing	0.77	10.96	1.09	0.00	0.00	0.63
Mpoko Bac	0.38	0.76	0.22	2.67	0.00	0.00
Sans Cas	0.00	0.19	0.00	4.00	0.82	0.00

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[1] A copy of the 2007 version is downloadable at http://pdf.usaid.gov/pdf_docs/PNADL494.pdf. A revised version will be available in spring 2009.

[2] Paul Collier, Anke Hoeffler, and Måns Söderbom, *Post-Conflict Risk* (Oxford, United Kingdom: Oxford University, Department of Economics, Centre for the Study of African Economies, 2007).

[3] Ibid.

[4] Stephen Lewarne and David Snelbecker, *Economic Governance in War Torn Economies: Lessons Learned from the Marshall Plan to the Reconstruction of Iraq*, report prepared for the U.S. Agency for International Development by The Services Group (Washington, DC: USAID, http://pdf.usaid.gov/pdf_docs/PDACG436.pdf, 2004).

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[4] UNDP (2008). "Post-Conflict Economic Recovery: Enabling Local Ingenuity," Bureau for Crisis Prevention and Recovery, United Nations Development Program, New York.

[5] Collier, P. (2007) "The Bottom Billion: Why the Poorest Countries are Failing and What can be done about it," Oxford University Press suggests a minimum of 10 years. Chand, C. and R. Coffman (2008) "How Soon Can Donors Exit From Post-Conflict States?" Working Paper Number 141, Center for Global Development suggests a range of 15-27 years.

[6] Collier, P.

[7] World Bank Institute (2006). "Six Questions on the Cost of Corruption with World Bank Institute Global Governance Director Daniel Kaufmann," Fact Sheet, The World Bank.

[8] Gailgals, C. and M. Leonhardt (2001) "Conflict-sensitive approaches to development practice," International Alert (UK).

[9] These include the Bretton Woods Project, Focus on the South and 50 Years is Enough.

[1] Sapterstein, Adina and Ruth Campbell. *Accelerating the Transition from Conflict to Sustainable Growth: Value Chain Development in Conflict-Affected Environments. Literature Review.* Prepared on behalf of USAID's Accelerated Microenterprise Advancement Project (May 2007).

[2] Mendelson-Forman, Johanna and Merriam Mashatt, *Employment Generation and Economic Development in Stabilization and Reconstruction Operations.* USIP (March 2007). In medical terms, "golden hour" refers to the state of patients following severe injury, where chances of survival are greatest if they receive care within the first hour following the trauma.

[3] CHF International *Stable Society Study*, *Economic Civil Society Organizations.*

[4] USAID/EGAT, *A Guide to Economic Growth in Post-Conflict Countries*, (Oct 4, 2007).

[5] "U.N. Troops Fight Haiti Gangs One Street at a Time."

[6] "Consolidating Stability in Haiti," International Crisis Group, Latin America/Caribbean Report, N°21 (18 July 2007).

[7] "Haiti Conflict Assessment." Prepared by USAID/Haiti, June 2006.

[8] "Haiti: Security and Reintegration of the State." International Crisis Group. Latin America/Caribbean Briefing No. 12, Port-au-Prince/Brussels, 30 October 2006.

[9] "Social Resilience and State Fragility in Haiti".

[10] *Bureau of Western Hemisphere Affairs:* "Background Note: Haiti."

[11] "Reversal of fortune. (Haiti's economy)" (2007).

[12] Mashatt, Merriam, and Major General Daniel Long and James Crum, *Conflict-Sensitive Approach to Infrastructure Development*, USIP (January 2008).

[13] Saperstein and Campbell.

[14] See USAID *Livelihoods*; The SEEP Network; Saperstein & Campbell.

[15] Woller, Gary and Jeanne Downing. *Developing A Causal Model for Private Sector Development Programs.* Woller & Associates; USAID: Impact Assessment Primer Series Publication #4 (2007). www.microlinks.org.

[16] USAID *Livelihoods…*, 9.

[17] See ACDI/VOCA; Saperstein & Campbell; http://www.microlinks.org.

[18] "Market Development Mitigating Conflict: How Can We Be a Part of the Solution?" Arlington, VA: *Powering Connections: SEEP Annual Conference 2008*, Panel presentation delivered by: Borys Chinchilla, Mercy Corps; Diana Klein, International Alert; Ruth Campbell, ACDI/VOCA; and Sarah Ward, Mercy Corps (November 6, 2008).

[19] See www.microlinks.org for publications highlighting economic and enterprise development best practices in conflict-affected environments.

[20] Blum, Rachel, Tracy Gerstle and David Angeles. *Tools for Market-Integrated Relief: Haiti's Construction Sector*. USAID microReport #93 (2008).

[21] USAID/EGAT *A Guide to Economic Growth…*, p. 36.

[22] Ibid.

[1] Not addressed here is the case of governing authorities constituted by the international community, as in the case of the United Nations Transitional Authority in Cambodia (UNTAC), where interim staffing and policy direction of key governmental functions by expatriate experts is consistent with, even integral to, a quasi-sovereign arrangement.

[1] This paper draws heavily from J. Goldstone, J. Haughton, and K. Soltan, and C. Zinnes (2004), "Strategy Framework for the Assessment and Treatment of Fragile States", Washington, DC: USAID. This work was produced by the Project to Develop Strategies for Failing, Failed, and Recovering States under a collaborative agreement between USAID and the IRIS Center of the University of Maryland. The interested reader is referred to that document for a more detailed discussion and references.

[2] In addition to the author's collaborators mentioned in footnote above, those offering input to the exercise (but not responsible for its error or omissions) included Tom Schelling, Barry Weingast, Avner Greif, John Steinbrenner, Timor Kuran, and Robert Bates.

[3] *Op cit.* Goldstone *et al.*

[4] *Op cit.* Goldstone *et al*. defines this as the rules of the game upon which civil society and a functional state are built. The primary institutions that support the constitutional order are those whose decline creates trajectories that can lead to state failure.

[5] *Op cit.* Goldstone *et al.*

[6] These are described in more detail in *op. cit.* Goldstone *et al*.

[7] For detailed examples of analytic narratives see R. Bates, A. Greif, M. Levi, J.-L. Rosenthal and B. Weingast (1998), *Analytic Narratives*, Princeton, NJ: Princeton University Press.

[8] O. Azfar and C. Zinnes (2003), "The Use of Experimental Methods in the Identification, Design and Testing of Institutional Reforms: an Application to SME Access to Financing, Marketing, and Technology in The Philippines", USAID: Washington, D.C., Task Order 7, SEGIR/LIR PCE-I-00-97-00042-00, February. O. Azfar and C. Zinnes (2005), "Which incentives work? An experimental analysis of incentives for trainers", USAID: Washington, D.C., Task Order 7, SEGIR/LIR PCE-I-00-97-00042-00.

[9] Vice President Biden made such a proposal for Iraq in 2007. Federalism might also be appropriate in Afghanistan. For the details of how such an approach works, see Zinnes (2009, forthcoming), *Tournament Approaches to Public Policy in Developing Countries*, Washington, D.C.: Brookings Institution.

[10] Easterly in several articles has proposed variations of this approach. Also see Collier (2003), "Making Aid Smart", USAID: Washington, D.C., Task Order 7, SEGIR/LIR PCE-I-00-97-00042-00.

[11] Again, see *op. cit.* Zinnes (2009, forthcoming) for details. Even perceptions can be quantitatively assessed using field surveys with state-of-the art elicitation (Alevy and Zinnes 2005, *The Size and Characteristics of the Shadow Economy in Mongolia*, Ulaanbaatar, Mongolia: Soros Open Society Institute.)

[1] James Dobbins, Seth G. Jones, Keith Crane, and Beth Cole DeGrasse, *The Beginner's Guide to Nation-Building* (Santa Monica, CA: RAND Corporation, 2007).

[2] Keith Crane, Olga Oliker, Nora Bensahel, Derek Eaton, S. Jamie Gayton, Brooke Stearns Lawson, Jeffrey Martini, John L. Nasir, Sandra Reyna, Michelle Parker, Jerry M. Sollinger, and Kayla M. Williams, *Guidebook for Supporting Economic Development in Stability Operations* (Santa Monica, CA: RAND Corporation, 2009).

[1] Arthur S. Westneat, Neil A. Boyer, and Benjamin E. Lentz, *The Bangui Market Study – Final Report* (Washington, D.C.: Africare, Rural Enterprise Development Project, February 15, 1991 draft)